

action, alleging that on June 22,2000 defendant's MEEHAN and GLOETZNER had illegally seized the plaintiff in violation of the plaintiff's constitutional rights as stated in the Fourth Amendment of the United States Constitution. Plaintiff additionally claimed that defendant's MEEHAN and GLOETZNER later returned to the plaintiff's residence and did illegally seize personal property belonging to this plaintiff.

In the same action, the plaintiff also alleged that the defendants' did physically assault the plaintiff, who was a "pretrial detainee", once again, violating the plaintiff's civil and constitutional rights as stated by the Fourth, Eighth, and Fourteenth Amendment's of the United States Constitution. Plaintiff claimed and claims that defendant GLOETZNER did physically assault this plaintiff on Three occasions on June 22,2000 while inside the Federal Courthouse in Fort Lauderdale, Florida and that defendant MEEHAN not only failed to intervene to prevent said unlawful assault by his partner (defendant Gloetzner), but that defendant MEEHAN positioned himself in a way to act as a "look-out" to see if anyone was coming.

This Court erroneously stayed ² the plaintiff's Bivens action due to the plaintiff getting indicted some Ten-Months after the plaintiff had begun said civil action ³. The plaintiff had filed a motion with the District Court in Fort Lauderdale,

1. See Document #4(Plaintiff's Amended Bivens Complaint) on file in these proceedings.

2. See Document #21(Preliminary Report)on file in these proceedings.

3. See Attached Exhibit One (filed in Dist. Court day after incident).

Florida on June 29,2000 ⁴. The day following the plaintiff getting assaulted.

In any event, the Court, Honorable District Court Judge Paul C. Huck adopted the magistrate's recommendation, and issued an Order on July 27,2001 ⁵.

On June 13,2002 the plaintiff was found guilty of Assaulting. Impeding, or Interfering with defendant GLOETZNER in connection with the June 28,2000 incident at the Fort Lauderdale Federal Courthouse ⁶. The plaintiff filed an appeal in that case, and that conviction is the subject of litigation before the Eleventh Circuit Court of Appeals ⁷.

On July 3,2002 Magistrate Judge Sorrentino issued a Report and Recommendation, recommending that the stay now be lifted and the case be re-opened as to defendant's MEEHAN and GLOETZNER regarding the June 28,2000 assault to the plaintiff ⁸.

On October 23,2002 Magistrate Judge Sorrentino issued an Order regarding pretrial proceedings by a pro se plaintiff ⁹. The Order at paragraph One instructed the plaintiff to file all motion's relating to discovery by December 20,2002. On December 4,2002 the plaintiff filed numerous discovery motion's in this matter ¹⁰. Additionally, on December 1,2002 the plaintiff also notified the defendants' counsel of record, Mr. Charles S. White, A.U.S.A., of the plaintiff's new address. The plaintiff also filed a copy of all discovery motion's with this Court.

4. See Attached Exhibit Two (Copy of notice filed by the plaintiff).

5. See Document #23(Order Adopting Recommendation)on file in these proceedings.

6. See Attached Exhibit Three (Copy of Jury Form).

7. See Attached Exhibit Four (Copy of Criminal Notice of Appeal).

Included in the Magistrate's Order on October 23,2002 the Court advised the plaintiff at paragraph Two that any amendments or additional defendants must be filed by January 3,2003. On December 31,2002 the plaintiff filed with the Court his Second Amended Complaint with Motion For Leave, pursuant to Rule 15 and 20, Fed. R. Civ. Proc. The plaintiff's Second Amended Complaint now named Thirty-Three defendants, and consisted of Seventy-Two pages ¹¹.

Apparently, even though counsel for the defendant's knew the plaintiff's new address, counsel kept sending all motion's to the plaintiff's old address(Federal Detention Center). Plaintiff asserts that this is a deliberate attempt by counsel to sabotage any efforts or challenges to motions filed by counsel for defendants.

Evidence of this fact is that the plaintiff never received the defendant's motion for summary judgment along with the defendant's declaration's until January 10,2003, even though said document's were stamped filed by the Court on December 20,2003 ¹². Included with the defendant's motion for summary judgment and declaration's was a copy of defendant's motion to Stay Discovery in this matter. Once again, filed on December 20,2002 and never received by the plaintiff until January 10,2003. On December 31,2002 plaintiff filed a motion to amend complaint naming now Thirty-Three defendants.

8. See Document #32 (Report)on file in these proceedings. United States District Court Judge Paul Huck issued an order adopting the Magistrate's recommendation's on July 19,2002. See Document #38 (Order adopting Preliminary Report)on file in these proceedings.

9. See Document #54 (Order scheduling pretrial proceedings)on file in these proceedings.

10. See Discovery Motion's by plaintiff on file in these proceedings.

11. See Second Amended Complaint and Motion for Leave filed in these proceedings.

**I. CONCISE STATEMENT OF MATERIAL FACTS AS TO
WHICH THERE DOES EXIST GENUINE ISSUES TO BE TRIED**

1. The plaintiff incorporates his Second Amended complaint outlining in detail the facts regarding the plaintiff's allegations and files the attached exhibit's in support of plaintiff's opposition to defendant's motion for summary judgment.

2. The defendant's assert through counsel, four different argument's in support of their motion for summary judgment. The plaintiff asserts that the defendants' claims are misguided and unsupported by case law.

3. The defendant's argue that: (1) the plaintiff has failed to allege facts sufficient to support any constitutional claim against the defendants in their "personal capacity"; (2) that the plaintiff has failed to file for Administrative claims under the Federal Tort Claims Act (herein F.T.C.A.), or any other administrative complaint with the U.S. Marshals' Service. The defendants assert that because the plaintiff didn't file for an "administrative remedies", the Court lacks subject matter jurisdiction over the claims against defendants MEEHAN and GLOETZNER in their "individual capacities"; (3) that GLOETZNER [needed to apply force] in order to assure that the plaintiff complied with his "proper custodial orders". Defendants assert that the plaintiff resisted the Deputy Marshals' efforts to place him in handcuffs, that plaintiff allegedly taunted the defendants' by calling them various names and allegedly threatening to beat

12. See Exhibit Five (Photocopy of envelope document's arrived in).

the defendants up, and that the plaintiff had allegedly spit in defendant GLOETZNER'S face, and allegedly headbutted defendant GLOETZNER. The defendant's further assert that this plaintiff had "minor injuries" and that defendants' allegedly only used that amount of force necessary to subdue the plaintiff, restore order, and maintain discipline;(4)finally, the defendants' assert that their actions in allegedly restraining and subdueing the plaintiff were clearly constitutional, and they (defendants) reasonably believed that their action were lawful.

The plaintiff asserts that each of the Four arguments by the defendants must fail as the attached documents will clearly support.

The defendants assert in paragraph One, footnote Two, that the plaintiff was arrested on June 22,2000 pursuant to a Federal Arrest Warrant issued from the District of South Carolina. Said warrant was based on a "complaint" filed in Greenville, South Carolina accusing the plaintiff of violating his probation ¹⁴. Federal Rules of Criminal Procedure, Rule 4 governs the issuance of a Federal Warrant for Arrest based upon the filing of a "COMPLAINT ". Federal Rules of Criminal Procedure, Rule 4 states in pertinent part:

"The warrant shall be signed by the magistrate Judge and shall contain the name of the defendant or,, if the defendant's name is unknown, any name or description by which the defendant can be identified with reasonable certainty. It shall describe the offense charged in the complaint.

Fed.R.Crim.Proc. Rule 4(c)(1)

14. See Attached Copy of Warrant For Arrest from District of South Carolina that plaintiff was arrested on.

The plaintiff's argument is clearly obvious, in that, said warrant that defendant's MEEHAN and GLOETZNER arrested the plaintiff on failed to meet the statutory requirement of being signed by a magistrate judge, thereby, making the warrant the plaintiff was arrested on "facially invalid." Not only did said warrant fail to meet this statutory requirement, but the warrant is void of any judicial officer's signature altogether.

The Fourth Amendment of the United States Constitution states in pertinent part:

"The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

U.S.C.A. Const. Amend. 4

Plaintiff claims that the defendants further violated the plaintiff's constitutional right to be free from "unlawful search and seizure" when the defendants' failed to "knock and announce" their purpose and authority as required by Title 18, United States Code, Section §3109, when defendants' kicked in the plaintiff's closed and locked bedroom door. The "Knock and Announce" requirement states in pertinent part:

"The officer may break open any outer or inner door or window of a house, or any part of a house, or anything therein, to execute a search warrant, if, after notice of his authority and purpose, he is refused admittance or when necessary to liberate himself or a person aiding him in the execution of the warrant.

18 U.S.C. §3109.

Further, when the defendant's first arrived at the plaintiff's residence, defendants' displayed their firearms to Ms. Vicki Newson and asked her for consent to search ¹⁵. This type of entry by the defendant's at 6:30 a.m. clearly amounted to "Coerced consent", and would clearly have caused fear and apprehension in Ms. Newson, when confronted by Two individuals wearing street clothes and claiming to be law enforcement officer's, and displaying their weapons while asking Ms. Newson if she minded if they come in and search.

Plaintiff claims that based upon the supporting document's, there are genuine issue's of material facts regarding the June 22,2000 incident that would support a trial on this issue.

Paragraph Seven through Eleven of the defendant's motion for Summary Judgment relates to the defendant's version of what transpired on the 28th day of June,2000. Before the plaintiff begins his argument in reference to these claims by the defendant's, the plaintiff would remind the Court, that defendant's MEEHAN and GLOETZNER have made sworn declaration's as to their claims under "penalty of perjury".

As such, the defendant's have sworn that their version's of the June 28,2000 incident is the truth. The plaintiff would move the Court to act accordingly then based not only on the plaintiff's response, but upon the exhibit's attached in this matter. The plaintiff assert's that this is the defendant's

15. See Attached Copy(Statement taken by private investigator regarding Ms. Newson's recollection of the June 22,2000 arrest of the plaintiff). See EXHIBIT SIX.

Third version of the incident's of June 28,2000. The plaintiff states as follows:

On June 28,2000 defendant James MEEHAN submitted a report regarding the June 28,2000 incident ¹⁶, This report was written on June 28,2000 immediately following the incident. One could reasonably assume that the "report", was the defendant's most accurate recollection as to what he allegedly saw. When one compare's the June 28,2000 report with defendant MEEHAN'S sworn declaration done on the 19th day of December,2002, it's clearly obvious that defendant MEEHAN has changed his version of what he wrote in his June 28,2000 report.[It should be noted that the defendant's have failed to provide discovery. That discovery would prove that records show yet another version that defendant MEEHAN claimed].

This defendant has testified that he is trained in writing report's, but yet, he (MEEHAN) has provided Three different version's of the June 28,2000 incident. Therefore, there are "genuine issue's of material facts" in reference to the June 28,2000 incident, and a jury couls easily conclude due to the different version's claimed by defendant MEEHAN, that defendant MEEHAN has fabricated his claims in an attempt to protect himself and defendant (partner) GLOETZNER from this civil action.

When a civil plaintiff establishes that the defendant's have committed perjury, and conspired to testify falsely, the plaintiff would clearly prevail in said matter. The plaintiff

16. See Attached EXHIBIT SEVEN (Copy of original statement made by defendant MEEHAN on June 28,2000).

states that the statement's of this defendant preclude the Court from granting Summary Judgment to this defendant, regarding the June 28,2000 assault to the plaintiff.

On June 28,2000 defendant Michael GLOETZNER submitted a report ¹⁷, describing his version of the incident on June 28,2000. Clearly, this report was written on June 28,2000 immediately following the incident. One could reasonably assume then that the "report", was defendant GLOETZNER'S most accurate recollection as to what he allegedly saw. When one compare's the June 28,2000 report with defendant GLOETZNER'S sworn declaration done on the 19th day of December,2002, it's so clearly blatant that defendant GLOETZNER has attempted to fabricate his version of the June 28,2000 incident to protect himself and defendant (partner) MEEHAN from this civil action.

Additionally, in reference to this defendant's declaration as compared to another version he stated at trial, defendant GLOETZNER now attempts to convince this Court that the plaintiff has allegedly broke his own shoulder, in what defendant GLOETZNER claims, by rolling off a "top bunk", and that the plaintiff allegedly "paid another inmate to break the plaintiff's nose".

Once again, the plaintiff reminds the Court that these declaration's were made under penalty of perjury and would ask the Court to address these matter's accordingly. Unknown to the defendant's, the plaintiff, using the Freedom of Information and Privacy Act, 5 U.S.C. §§552,552a respectively, has obtained all medical records from the Federal Detention Center/Bureau of Prison's. Not one medical record reflects these absolutely

absurd claims by defendant GLOETZNER, of the plaintiff self-inflicting or even attempting to self-inflict these injuries.

On the contrary, the records reflect that the plaintiff was assaulted by defendant GLOETZNER, and the records reflect injuries consistent with those alleged by this plaintiff. Additionally, the plaintiff thinks the Court should be aware of another incident where the defendant's attempted to get inmate's to lie for them about how the plaintiff obtained these injuries.

During the plaintiff's criminal trial, discovery was provided and the plaintiff learned that Two inmate's (See Amended Complaint, defendant's Harold NEAL and James GURGIS), provided yet another version of exactly how it was the plaintiff acquired his injuries. One version was that the plaintiff had "intentionally tripped, landing on his face", but breaking only his nose, while handcuffed behind his back and in schackles, and the other alleged version of the plaintiff's injuries dealt with the plaintiff's right shoulder.

In that version, it was stated that the plaintiff supposedly "dove at the defendant's and the defendant's moved out of the way" and the plaintiff ended up flying into the holding cell bars, breaking his (plaintiff's) shoulder.

Medical records attached to this motion ¹⁸, clearly establish that the injuries the plaintiff received occurred when the

17. See Attached Copy(Original statement of defendant GLOETZNER, as reported on June 28,2000--EXHIBIT EIGHT).

18. See Medical Records Attached (Report on plaintiff's nose injury, and surgery report on plaintiff's shoulder injury).

plaintiff was assaulted by defendant GLOETZNER while inside the Federal Courthouse in Fort Lauderdale, Florida on June 28,2000. Further, medical records also show that the plaintiff suffers from Epilepsy, and as standard procedure within the Federal Bureau of Prison's, the plaintiff has not been placed on any "top bunk", but was assigned a "lower bunk permit" to prevent the plaintiff from falling off a "top bunk" in the event of the plaintiff having a seizure.

WHEREFORE, the plaintiff states that there are clearly genuine issue's of material facts that are self-evident from the defendants own statements (version's), of the June 28,2000 incident, and as such, these issue's can not be determined by the Court, and must be presented to a "trier of facts".

Paragraph Twelve through Fourteen of the defendant's motion for Summary Judgment deals with the claims of defendant GLOETZNER allegedly receiving medical treatment from the duty nurse Susan CRIMMINS (See Second Amended Complaint, therein defendant CRIMMINS). Plaintiff states that the report filed by duty nurse Susan CRIMMINS on June 28,2000 immediately after she treated the plaintiff is different from her SWORN DECLARATION filed on the 19th day of December,2002.

The plaintiff draws the Court's attention to the report filed on June 28,2000 by Susan CRIMMINS (See EXHIBIT NINE.)¹⁹. In that report there is a section entitled "Name(s) of other's involved". As this Court will note, according to her (CRIMMINS)

19. See Attached Copy (Original Report of defendant CRIMMINS, written on June 28,2000.). EXHIBIT NINE.

own report, the only person she treated that day was the plaintiff WEAVER.

The defendant's assert that Ms. CRIMMINS had allegedly washed some alleged "spit" out of defendant GLOETZNER'S eyes, but even according to the DECLARATION filed in this matter by CRIMMINS, there is absolutely no mention of CRIMMINS treating either defendant. See defendant's motion at Page # 5, Paragraph # 12.

As with the Two previously discussed DECLARATION'S of defendant's MEEHAN and GLOETZNER, the plaintiff would remind this Court that Ms. CRIMMINS made her DECLARATION under penalty of perjury, and CRIMMINS stated that she attached a copy of her original report to her SWORN DECLARATION, although no such attachment was provided to this plaintiff.

The plaintiff happens to have a copy of such report filed by nurse CRIMMINS and points out to the Court several area's in which CRIMMINS has now changed her version of the June 28, 2000 incident. In her (CRIMMINS) June 28,2000 report, CRIMMINS states "DIFFICULT TO ASSESS R.O.M.". (R.O.M. is abbreviation for "range of motion"). But in CRIMMINS' DECLARATION, CRIMMINS now claims that she had the plaintiff "raise his hands above his head, down to his waist, and to the right and left sides".

This is a fatal mistake by CRIMMINS in that, the defendant's failed to state that the plaintiff was placed in a "belly chain and black box" once the defendant's realized that the plaintiff had moved his hands from behind his back into the front. The

whole purpose of using a "belly chain and black box" is to limit the inmate's range of motion. This is a pretty frequent procedure when placing inmate's onto aircraft to be transported.

Defendant MEEHAN had entered the holding cell where the plaintiff was at with defendant WALKER, and had placed a "belly chain and black box" on the plaintiff prior to having the nurse, CRIMMINS treat the plaintiff. With this device on, it is "IMPOSSIBLE" for an inmate or the plaintiff to raise his hands above his head. That's the reason CRIMMINS had difficulty in assessing the plaintiff's R.O.M. as she stated herself in her June 28,2000 report. Plaintiff is prepared to call witnesses to that fact that he was indeed in a "belly chain and black box" on June 28,2000 while CRIMMINS was examining the plaintiff.

Additionally, CRIMMINS stated in her report that she "Noticed no bruises or swelling to the plaintiff's face". In the attached photo (See EXHIBIT NINE) ²⁰, taken by defendant's MEEHAN and WALKER after CRIMMINS had cleaned the blood off the plaintiff's face, note the "upper right lip" (which would be the Court's left), also notice the plaintiff's right cheek area, and the dark spot above plaintiff's right eye, just inside the hairline. It should be noted, that defendant's MEEHAN and GLOETZNER adamantly denied the issue about the plaintiff's head striking a chair, but now, admit that the plaintiff's head did strike a chair. The same exact

20. See Attached (Copy of photo introduced by defendant's in plaintiff's criminal case).

chair that the plaintiff was told by defendant WALKER, "has been thrown away". CRIMMINS fails to make any reference to cleaning blood from the plaintiff's head, nor does she mention that the plaintiff's jail uniform was covered with blood as well.

Additionally, CRIMMINS stated in her June 28, 2000 report that the plaintiff was "ambulated with difficulty to holding cell". Now, in CRIMMINS' SWORN DECLARATION she states that the plaintiff "walked to the holding cell without difficulty".

WHEREFORE, based on the obvious inconsistencies by this defendant, as well as by MEEHAN and GLOETZNER, there clearly exists "genuine issue's of material facts" that would warrant a trial in this matter.

In Paragraph Thirteen on Page Five, the defendant's assert that the plaintiff was treated at F.C.I. Miami and medically cleared. Once again, the defendant's have clearly misled the Court. Plaintiff received "NO MEDICAL TREATMENT" until July 26, 2000 at the Spartanburg County Detention Facility, where the plaintiff was taken to the Spartanburg Regional Medical Center and received x-rays finally. The defendant's assertion that the plaintiff was "treated and medically cleared" at the F.C.I. Miami facility is clearly misplaced.

The plaintiff was never even brought to the Federal Correctional Institution until January 18, 2001. Even for arguendo sake, if the defendant's meant to say the Federal Detention Center F,D,C, Miami, this claim is still clearly incorrect.²¹

The plaintiff was seen by a specialist in South Carolina

21. See Attached (Copy of medical records which establish date of injuries and location of treatment, if any).

who determined that the only thing to correct/improve the plaintiff's breathing through his nose would be surgery. That surgery, even though it was scheduled for August 2000, was blocked by defendant SMITH in South Carolina.

The plaintiff after seeing a different specialist for his shoulder injury on several occasion's and having surgery scheduled on several occasion's, the plaintiff finally received surgery for his right shoulder injury on November 27,2001. Even though it has been determined by a medical specialist that the plaintiff needs surgery for his deviated septum, the plaintiff has not received any surgery or further treatment for plaintiff's nose injury as of this date.

The defendants make a misguided assertion that the plaintiff is suing the defendant's only in their "individual capacities", this assertion is clearly incorrect. As the plaintiff has clearly stated in the First Amended Complaint at Page (iii), it clearly stated "All defendant's are named in their individual and official capacities...". Therefore, the defendant's are attempting to rely on strictly the "individual capacities" pleadings because the law is clear that "Qualified Immunity" does not apply to this civil action.

Additionally, in plaintiff's Second Amended Complaint filed with the Court on January 3,2003, the plaintiff again clearly stated that defendant's were named in their "individual and official capacities", once again, preventing any claimed defense

of "Qualified Immunity".

WHEREFORE, the plaintiff states that the defendants have failed to meet their burden as required pursuant to Rule 56(c) of the Fed. R. Civ. P., in that the defendants have failed to show that there is "no genuine issue's of material facts", as the plaintiff has clearly pointed out through submission of the attached statements/reports written by defendants on the day in issue. Issue's of material facts do clearly exists.

Further, seeing that counsel for the defendant's is an Assistant United States Attorney, and that records in possession of the plaintiff show that counsel communicated with the Assistant United States Attorney Donald Chase (Named as a defendant in the Second Amended Complaint), counsel White had to know that the sworn declaration's being provided by defendant's MEEHAN, CRIMMINS, and GLOETZNER in this matter consisted of perjury, and that counsel's attempt to prevail on Summary Judgment through the use of said perjured declaration's amounts to "subornation of perjury", and the plaintiff would move the Court to act accordingly.

Clearly, one could easily construe by Mr. White's signature affixed to the defendant's motion for Summary Judgment, that Mr. White reviewed, investigated, and drafted said motion. Therefore, counsel for the defendants knew that as he was drafting the motion, that he was stating facts that were false and intentionally misleading to the Court.

Issue's of "genuine material facts" clearly exists, and therefore precludes the Court from granting defendant's motion for Summary Judgment as a matter of law.

" THE LAW REGARDING SUMMARY JUDGMENT "

Rule 56(c), Federal Rules of Civil Procedure, authorizes entry of Summary Judgment [only] if the pleadings and supporting materials demonstrate that there is no genuine issue as to any material facts and that the moving party is entitled to judgment as a matter of law. See **Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 248 (1986)**. The plaintiff states that the defendants have failed to meet this requirement.

An issue of fact is "material" if it is a legal element of a claim under the applicable substantive law and is one that might affect the outcome of the suit under the governing law. See **Id.** A material fact is "genuine" if "the record taken as a whole could lead a rational trier of fact to find for the non-moving party".**Id.**

Clearly, when a District Court is confronted with a motion for Summary Judgment, the Court must analysis that motion under the Two-prong test established by the Supreme Court in **Celotex Corp. v. Catrett, 477 U.S. 317 (1986)**. First, the moving party [must] establish that no genuine issue of material fact exists. See **Allen v. Tyson Foods, Inc., 121 F.3d 642 (11th Cir. 1997)**; **Adickes v. S.H. Kress & Co., 398 U.S. 144 (1970)**.

To decide whether the defendants have met their burden, the Court [must] view all reasonable inferences in light most favorable to the non-moving party. See **Schoenfeld v. Babbitt, 168 F.3d 1257 (11th Cir. 1999)**.

Since the defendant's have failed to meet the Statutory

requirement of establishing that no genuine issues of material facts exists, the defendants motion for Summary Judgment must fail, and this matter brought before a trier of facts.

II. PLAINTIFF HAS FAILED TO EXHAUST HIS ADMINISTRATIVE REMEDIES UNDER THE PRISON LITIGATION REFORM ACT.

In defendant's Second Argument for Summary Judgment, the defendant's assert that the plaintiff has failed to exhaust administrative remedies, and because of the same, the defendant's assert that the Court lacks subject matter jurisdiction. The defendant's rely on **42 U.S.C. §1997e(a)**.

On Page Eight of the defendant's motion for Summary Judgment at Footnote 18-19, the defendants quote their assertion of **42 U.S.C. §1997e(a)** in support of their argument. It is clear, their own argument defeats their very claim. The defendants want the Court to believe that a "pretrial detainee" who suffers a Constitutional Rights violation of his clearly established rights, must first attempt to pursue action through an "administrative process".

Further, the section of **42 U.S.C. §1997e(a)** quoted by the defendants is not applicable to the case at bar. The plaintiff was physically assaulted by Deputies of the United States Marshals' Service while at a Court appearance, and inside a Federal Courthouse. Defendants rely on **§1997e(a)** which they even quoted at Page Eight, Footnote 18. "[N]o action shall be brought with respect to "prison

conditions" under section §1983 of this Title, or any other Federal Law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted".

This section does not apply to this matter for several reasons. First, is the fact that plaintiff's claim against defendant's MEEHAN and GLOETZNER makes no reference to any "prison conditions". Specially, when an inmate is transported to the Federal Courthouse, he is signed out of the prison and into the temporary custody of the marshals. Therefore, in all practical matters, the plaintiff was in the custody of the United States Marshals' and not the "prison officials".

The attached exhibit's ²²are filled out everytime an inmate is taken out of the Federal Detention Center by the U.S. Marshals' to go to a court appearance in Fort Lauderdale, Florida. Further, proof of this claim is that each time the plaintiff was taken out of the Federal Detention Center, the marshal had to sign document's, thereby making the marshal responsible for the safe return of the plaintiff. The attached exhibit's are filled out by medical staff at the Detention Center. These document's list the plaintiff's current condition when he is turned over to the U.S. Marshals' Service for transit.

Therefore, the scenerio in this case is the same as if the plaintiff had just been taken into custody or arrested by the defendant's, this is the same scenerio as the following cases:

22. See Attached (Copy of transit document's-obtained via the F.O.I.A.).

See **Slicker v. Jackson**, 215 F.3d 1225 (11th Cir. 2000), in that case, Slicker alleged that the officer's violated his rights under the Fourth, Fifth, and Fourteenth Amendments of the United States Constitution by subjecting Slicker to an unlawful seizure when they placed Slicker under arrest, and by using excessive force. **Id @ 1227.**

Further, in Slicker, the district court found that the officers were not entitled to qualified immunity because Slicker presented enough evidence to raise a question of fact as to whether the officer's used excessive force when arresting Slicker. **Id. @ 1229.**

See also **Civil Rights 214(6), West Law Digest**, "Police officer's were not entitled to qualified immunity on arrestee's §1983 claim alleging that officer's used excessive force while making arrest, in view of evidence that officer's beat arrestee even though arrestee was handcuffed and did not resist, attempt to flee, or struggle with the officer's in any way". **Id @ 226 n.11.**

In the instant case, the plaintiff's pleadings and position has been the same since June 28,2000, in that the plaintiff never resisted, or struggled with the defendants in anyway. Although the plaintiff was found guilty of assaulting defendant GLOETZNER, the plaintiff assures the Court that a reversal is inevitable in that case, and as such, this case should be once again stayed.

As the plaintiff has raised in his request to stay this matter filed with the Court on January 21,2003. Clearly, a reversal of plaintiff's criminal case would defeat all claims that the defendant's

could raise, and especially, would open the issue to numerous additional claims, some of which are raised in the plaintiff's Second Amended Complaint.

See also, **Riley v. Dorton**, 93 F.3d 113 (4th Cir. 1996), in that case Riley, a pretrial detainee brought a §1983 action against several police officers alleging the use of excessive force during interrogation after Riley's arrest. The district court granted summary judgment for the officer's, and Riley appealed. The court of appeals reversed and remanded.

"A pretrial detainee was not required to show serious injury when physical force was used against him in course of custodial interrogation before he could recover in §1983 action for use of excessive force". **Id @ 114 n.5.**

In the instant case, the plaintiff was in the custody of the United States Marshals' Service to appear before a United States Magistrate Judge. The purpose of the plaintiff's appearance was an Identity Hearing, where the plaintiff was subject to interrogation by the court.

In Riley, Supra, the defendants motion for summary judgment was initially granted because the district court erroneously relied on **Norman v. Taylor**, 25 F.3d 1259 (4th Cir. 1994)(en banc)cert. denied, ___U.S.___, 115 S.Ct. 909, 130 L.Ed.2d 791 (1995)(Holding that a prison inmate generally may not bring a §1983 claim predicated on the Eight Amendment right to be free from cruel and unusual punishment if his injury is de minimis). Riley, appealed, arguing that Norman v. Taylor does not apply because his claim is based on his Fifth and Fourteenth Amendment due process rights that

prohibit the use of force during police interrogation's. Riley
 Id @ 116.

The court in Riley stated that Riley's §1983 claim must survive summary judgment because no unjustified physical force may be used against a suspect during custodial interrogation, even if the suspect does not sustain serious physical injury. The court relied on **Gray v. Spillman**, 925 F.2d 90, 93-94 (4th Cir. 1991)(applying the longstanding principle that the use of force "in the course of custodial interrogation violates the Fifth and Fourteenth Amendments of the Constitution. Id @ 116 n.[3-5](citing **Ware v. Reed**, 709 F.2d 345, 351 (5th Cir. 1983); accord **Wilkins v. May**, 872 F.2d 190, 195 (7th Cir. 1989), cert. denied, 493 U.S. 1026, 110 S.Ct. 733, 107 L.Ed.2d 752 (1990); **Rex v. Teeple**s, 753 F.2d 840, 843 (10th Cir.) cert. denied, 474 U.S. 967, 106 S.Ct. 332, 88 L.Ed.2d 316 (1985); see also **Weaver v. Brenner**, 40 F.3d 527, 536 (2d Cir. 1994); **Cooper v. Dupnik**, 963 F.2d 1220, 1244-45 (9th Cir. 1992) cert. denied, 506 U.S. 953, 113 S.Ct. 407, 121 L.Ed.2d 332 (1992).

The Rule, recognized in Gray and the cases cited above-that no physical force is constitutionally permissible during interrogation-is based on the "due process right to be free from [police] conduct designed to overcome the accused's will and produce an involuntary incriminating statement". **Weaver v. Brenner**, 40 F.3d @ 536. The Due Process violation is complete with the use of force, even if there is no confession. Id.; **Cooper v. Dupnik**, 963 F.2d @ 1244. Riley, Id @ 117.

In the instant case, the plaintiff clearly made the defendant's

aware, after the defendant's had read the plaintiff's legal documents for his attorney, that the plaintiff was planning on attacking his illegal arrest and illegal seizure. After the plaintiff informed the defendant's that he (plaintiff) was planning on telling his attorney about the defendant's reading these legal document's, the plaintiff, even after being threatened that he "better not say a word", the plaintiff not only told counsel, but additionally pointed at defendant GLOETZNER as defendant walked by.

It was clear to the plaintiff, that the defendant's threat about not "saying anything", and then not only saying something, but pointing out the guilty defendant to counsel contributed to the plaintiff being assaulted. The plaintiff claims that because the plaintiff was assaulted immediately following his court appearance, this case is similar to Riley Supra.

" A pretrial detainee, by contrast, is protected both by the Fifth Amendment's protection against compelled self-incrimination and by the Fourteenth Amendment's protection against "excessive force that amounts to punishment" before trial. Citing **Graham v. Connor**, 490 U.S. 386, 395 n.10, 109 S.Ct. 1865, 1871 n.10, 104 L.Ed.2d 443 (1989); accord **Bell v. Wolfish**, 441 U.S. 520, 535-39, 99 S.Ct. 1861, 1871-74, 60 L.Ed.2d 447 (1979); **United States v. Cobb**, 905 F.2d 784, 788-89 (4th Cir. 1990), cert. denied, 498 U.S. 1049, 111 S.Ct. 758, 112 L.Ed.2d 778 (1991).

Pretrial detainee's are entitled to broader protection than would be available under the Eighth Amendment alone because a pretrial detainee is presumed innocent of any crime until he is proven guilty after a fair trial or by a knowing and voluntary guilty plea. See **Bell**, 441 U.S. @ 535-36, 99 S.Ct. @1872-73.

Riley, Id. @ 118.

The defendant's in the instant case will have a full opportunity to convince a trier of fact that they used no unjustified force against this plaintiff. In other words, defendant's MEEHAN and GLOETZNER will have the chance to show that they "obey[ed] the law while enforcing the law". See **Spano v. New York**, 360 U.S. 315, 320, 79 S.Ct. 1202, 1205-06, 3 L.Ed.2d 1265 (1959). It is true, that trials can be inconvenient and discomfiting, but the plaintiff asserts that a trial is required in this matter to determine whether the bounds of due process were exceeded.

See also **Sweatt v. Bailey**, 876 F.Supp. 1571 (M.D. ALA 1995), in Sweatt, Sweatt filed suit alleging that he was beaten while in detention. There the court held that although officer's must have flexibility to pursue duties without fear of lawsuit, officer's were not entitled to immunity from civil rights suit where evidence showed malicious and summarily punitive infliction of harm in form of beating arrestee. **Id @ 1571 n.11.**

Further, in Sweatt the court went on to state that "where officer who is present at scene and who fails to take reasonable steps to protect victim of another officer's use of excessive force, officer can be held liable for nonfeasance. **Id @ 1572 n.23.**

In the instant case, the defendant's assert that it is the plaintiff's Eighth Amendment that applies to this matter. The defendants are incorrect in that assertion. As discussed in Sweatt, Supra, the Eighth Amendment applies only after conviction. See **Whitley v. Albers**, 475 U.S. 312, 318, 106 S.Ct. 1078, 1083-84, 89 L.Ed.2d 251 (1968); **Ingraham v. Wright**, 430 U.S. 651, 664,

97 S.Ct. 1401, 1408-09, 51 L.Ed.2d 711 (1977).

Clearly, at the time the plaintiff was assaulted by the defendant's there was no conviction. In fact, the plaintiff was merely appearing in court for the purpose of an Identity/Removal Hearing. The defendant's were clearly aware of the ruling in Whitley, Supra, as the defendant's even referred the Court to the case in its motion for Summary Judgment. See defendant's motion at Page #9, bottom paragraph. Therefore, counsel for the defendant's misunderstood the holding in Whitley as applying to the case at bar, as implying that the Eighth Amendment applied to this case.

In Sweatt, Supra, @ 1575 n.[5,6] the court used a Two-prong analysis to determine whether an official is entitled to qualified immunity. The defendant must first show that he or she was acting within the "scope of discretionary authority" at the time of the alleged conduct. Once this is shown, the plaintiff must prove that the official's conduct violated clearly established law. Citing, **Sims v. Metropolitan Dade County, 972 F.2d 1230, 1236 (11th Cir.1992)**. The defendant's in the instant case have failed to meet this requirement.

No court in this Nation, would find that when officer's are "predisposed to put someone in prison for life", go and illegally search a citizen's residence without a warrant, intentionally fail to leave a property inventory sheet stating what they seized, use false pretenses to gain entry into the residence to conduct said search, seize legal document's intended for an attorney an clearly labeled as such, and then threatens a citizen that

he better not say a word about their illegal conduct, and finally, assaults a citizen because not only he told about their illegal conduct, but also because the officers thought the citizen was "gay". Clearly, these action's would not constitute "discretionary authority".

In order for the defendant's to even attempt to assert any type of however misguided defense(s) to their egregious acts, the defendant's would have to be able to prove that it's legal to use false pretenses to search a residence, it's legal to search a residence without a warrant, it;s legal to threaten a person not to reveal their illegal conduct, it's legal to take and read a person's confidential legal document's between a client/attorney, it's legal to physically assault a person because you want to put him in prison for life", it's legal to assault a person because you believe he likes to have sex with men instead of his girlfriend/wife, and it's legal for officer's to threaten and harrass a witness to prevent that witness from offering testimony in a civil/criminal matter.

These claims are simply impossible for the defendant's to prove. The plaintiff has proven through the attached exhibit's, and the exhibit's previously filed by this plaintiff that the defendant's knew their actions to be in violation of the plaintiff's civil and constitutional rights, and that the defendant's acted with complete disregard for those rights and the duties they swore to uphold when becoming law enforcement officer's.

Therefore, on this ground, asserted by the defendant's, the Court must reject and deny the defendant's motion for Summary

Judgment.

Additionally, the defendant's assert that the plaintiff has failed to file any "administrative remedies" in reference to the June 28, 2000 incident. That claim is also incorrect. Clearly, the plaintiff sought relief from numerous Government Agencies and State Agencies ²³. Clearly, the defendant's are incorrect in this assertion as well. All the facts of this case clearly show that Summary Judgment on behalf of the defendant's is completely inappropriate, and this Court must view those facts and deny defendant's motion for Summary Judgment.

**THIRD, THE DEFENDANTS ASSERT THAT THEY COMMITTED NO
CONSTITUTIONAL VIOLATIONS.**

Here, the defendant's rely on law that contradicts or is not applicable to this matter. When Circuit case law applied to an action contradicts case law established by the Supreme Court, the Court must adhere to the law of the highest court, the Supreme Court. The defendant's begin this argument with **Bell v. Wolfish, 441 U.S. 520 (1979)**, and they attempt to get this Court to apply law that goes against the very law the defendant's claim was established by the Supreme Court.

Here, the defendant's continue to apply cases that deal with "**CONVICTED PRISONER'S**", see **Belcher v. City of Foley, 30 F.3d 1390, 1396 (11th Cir. 1994)**; **Tittle v. Jefferson County Commission, 10 F.3d 1535, 1539 n.3 (11th Cir. 1994)**; **Campbell v. Sikes, 169 F.3d 1353, 1374-75 (11th Cir. 1999)**. In each of

these cases cited by the defendant's, the cases employ the words "CONVICTED PRISONER'S" , but as previously stated by the plaintiff, that argument is clearly misplaced and not applicable to this case.

Surely, the defendant's would be hard pressed were they to try to convince any court that on June 22,2000 and June 28,2000 the law wasn't clearly established that their action's amounted to constitutional violation's. the very cases cited by the defendants all predate the incident on June 28,2000.

Additionally, the defendant's reliance on **Hudson v. McMillian**, **503 U.S. 1 (1992)**, deals with an incident that happen by "prison guards", and at a prison. the case at bar is not even remotely similar as the plaintiff's claims involve being physically assaulted while at a Federal Courthouse, by Deputy U.S. Marshals'.

The defendant's further attempt to rely of Whitley, Supra, as to support their position that the plaintiff's claims should be viewed under the Eighth Amendment. As previously raised by this plaintiff, the Whitley court stated just the opposite to be true. See Sweatt, Supra, @ 1583 n.26.

The defendant's argument is somewhat confusing, in that, they stipulate that the plaintiff was a "pretrial detainee" but yet, ask the Court to apply law that deals with "CONVICTED PRISONERS".

23. See Attache (Copies of letter's filed with numerous agencies and/or replies from said agencies. Further, it should be noted that the defendants are also the subject of an Internal Affairs Investigation as well in this matter and records are being sought.).

The issue of the plaintiff being illegally convicted does nothing to change the facts that on June 22,2000 and June 28,2000, the day the plaintiff was illegally seized and subsequently assaulted, the plaintiff was a "pretrial detainee". The Court must view the law that applied on the date of the incident's, not the illegal conviction almost Two-Years later.

This argument by the defendant's is misleading, and an attempt to grab at straws in hopes of finding some light at the end of the tunnel. To grant Summary Judgment on this issue in favor of the defendant's would clearly amount to a blatant miscarriage of Justice. Clearly, the act's committed by the defendant's amounted to not only constitutional violation's but also, violated both State and Federal Laws, as well as violating the plaintiff's civil rights. Rights the defendant's were clearly aware of.

Further, the defendant's then try to convince this Court that the injuries suffered by the plaintiff were "minor". The defendant's couldn't be farther from the truth. As exhibit's show, the plaintiff received a Deviated Septum which causes breathing difficulty. The plaintiff also suffered a Dislocated and Fractured Right Shoulder (Distal Clavicle).Plaintiff suffered "SERIOUS INJURIES". The defendant's cited cases that dealt with injuries where summary judgment was denied, and the plaintiff would incorporate by reference those cases cited by the defendant's which would tend to support the plaintiff's position.

See **Williams v. Cash-C.O.I.**, 836 F.2d 1318, 1320 (11th Cir. 1988): **Perry v. Thompson**, 786 F.2d 1093 (11th Cir. 1986) as stated on Page Eleven at footnote of defendant's motion for Summary

Judgment.

The plaintiff could cite tons of cases proving that Summary Judgment is not appropriate in this matter, and the plaintiff would refer the Court to **Slicker v. Jackson, Supra; Riley v. Dorton, Supra; Sweatt v. Bailey, Supra**; citing **Lamar v. Banks, 684 F.2d 714 (11th Cir. 1982); City of Houston v. Hill, 482 U.S. 451, 107 S.Ct. 2502, 96 L.Ed.2s 398 (1987); Hancock v. Hobbs, 967 F.2d 462 (11th Cir. 1992)(Per Curiam); McKinney v. DeKalb County, 997 F.2d 1440, 1443 (11th Cir. 1993); Swint v. City of Wadley, 5 F.3d 1435 (11th Cir. 1993)(per Curiam), modified, 11 F.3d 1030 (11th Cir. 1994)cert. granted, ___U.S.___, 114 S.Ct. 2671, 129 L.Ed.2d 808 (1994); Fundiller v. City of Cooper City, 777 F.2d 1436 (11th Cir. 1985).**

Summary Judgment is improper "[i]f a reasonable fact finder could draw more than one inference from the facts, and that inference creates a genuine issue of material facts". See **Cornelius v. Highland Lake, 880 F.2d 348, 351 (11th Cir. 1989) cert. denied, 494 U.S. 1066, 110 S.Ct. 1784, 108 L.Ed.2d 785. (1990).**

The Court may not weigh evidence to resolve a factual dispute; if a genuine issue of material fact is present, the court must deny summary judgment. **Hutcherson v. Progressive Corp., 984 F.2d 1152, 1155 (11th Cir. 1993).** Likewise, if reasonable minds could differ on the inferences arising from undisputed facts, then the court should deny summary judgment. See **Miranda v. B & B Cash Grocery Store, Inc., 975 F.2d 1518, 1534 (11th Cir. 1992).**

On a Summary Judgment motion, the record and all reasonable inferences that can be drawn from it must be viewed in the light most favorable to the non-moving party, See **McCabe v. Sharrett,**

12 F.3d 1588, 1560 (11th Cir. 1994) citing from **Crenshaw v City of Defuniak Springs**, 891 F. Supp. 1548 (N.D. Fla. 1995).

Therefore, the plaintiff states that based upon all records before the Court, the defendant's Third claim for Summary Judgment must also fail.

**FINAL CLAIM BY DEFENDANTS IS THAT THEY ARE ENTITLED TO
QUALIFIED IMMUNITY.**

This is not a case where the defendant's weren't trained in proper law enforcement. They (defendant's) clearly admitted during cross-examination, that both, MEEHAN and GLOETZNER are "trained law enforcement officer's". The plaintiff incorporates the cases cited previously as applying to this claim.

Clearly, the law regarding "qualified immunity" applies [only] if the defendant's did not violate clearly established constitutional rights. The Constitution is extremely clear in reference to the acts committed by the defendant's, and the law was indeed clearly established way before June 22,2000 and June 28,2000, that the act's committed by these defendant's, done intentionally, maliciously, and sadistically to this plaintiff precludes the Court from granting Summary Judgment as a matter of law.

PLAINTIFF'S FINAL ARGUMENT OPPOSING SUMMARY JUDGMENT.

The plaintiff wishes to bring to the Court's attention

the fact that the defendant's have intentionally failed to provide discovery in this matter, as a result of their failure, the Court may not grant Summary Judgment ²⁴.

Plaintiff states that the defendant's have not provided any discovery as requested in motion's filed with the defendant's and this Court on December 4, 2002. See **Dean v. Barber**, 951 F.2d 1210 (11th Cir. 1992); **Murphy v. Kellar**, 950 F.2d 290 (5th Cir. 1992); **WSB-TV v. Lee**, 842 F.2d 1266 (11th Cir. 1988)(holding Summary Judgment improper until discovery is obtained).

Additionally, the plaintiff served on defendant's a request for Admission's and Interrogatories, the defendant's have failed to respond. By the defendant's failure to provide discovery, and Admissions and Interrogatories asked by the plaintiff the defendant's have hindered the plaintiff from adequately filing a motion to oppose defendant's motion for Summary Judgment. Additionally, the plaintiff sought copies of his trial transcripts from the criminal phase of this case ²⁵. Those transcripts would prove that the defendant's have committed perjury in their sworn declaration's submitted in support of their motion for Summary Judgment. Those transcripts would also reveal another version of how the defendant's claim the incident's occurred on June 28, 2000, different from their attached statement's and Sworn Declaration's.

Requests for Admissions, which ask the opposing party to

24. See Attached (Copies of letter's from Appellate counsel in criminal case verifying that counsel can not even get copies of the trial transcripts to properly file plaintiff's appeal.

25. See Attached (Copy of Transcript Order Form submitted by

admit or deny the truth of particular facts, are among the most useful tools of discovery. Facts that have been admitted are binding, and can be used to establish those facts at trial or on a motion for summary judgment.

Rule 36(a) Fed. R. Civ. P. states that "if a request for admission's is not timely answered, the matter is deemed admitted". Therefore, the plaintiff incorporates both MEEHAN'S and GLOETZNER'S demand for Admission's and Interrogatories as having been admitted by the defendant's, and moves the Court to consider those admission's when ruling on this motion opposing defendant's motion for Summary Judgment ²⁶.

Further, the defendant's make reference themselves to not providing any discovery in this matter, and the plaintiff would further incorporate the defendant's admission to not providing discovery to deny the defendant's motion for Summary Judgment²⁷.

" CONCLUSION "

WHEREFORE, the Plaintiff, having answered the defendant's motion for Summary Judgment, and having submitted the attached exhibit's, and sworn affidavit's/declaration's in support of the same, the plaintiff moves the Court to deny the defendant's motion for Summary Judgment, or in the alternative, to stay

plaintiff).

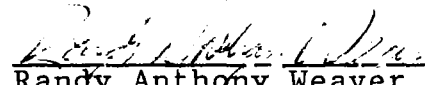
26. See Copies of Demand For Admission's and Interrogatories on file in these proceedings.

27. See Attached (Copy of Page Three, Paragraph Ten of defendant's Motion Opposing Leave by plaintiff to file a Second Amended Complaint).

the motion pursuant to Rule 56(f) Fed. R. Civ.P. until such time as the defendant's have produced discovery ²⁸.

PLAINTIFF STATES UNDER PENALTY OF PERJURY, 28 U.S.C. §1746, THAT THE FOREGOING IS TRUE AND CORRECT.

Respectfully Submitted,


Randy Anthony Weaver
Plaintiff/Pro Se
U.S.M. # 92903-071
Federal Correctional Inst.
P.O. Box 779800
Miami, Florida 33177

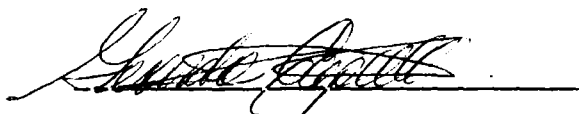
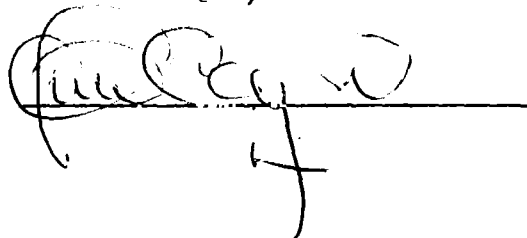
28. See *Fitzpatrick v. City of Atlanta*, 2 F.3d 1116 n.3 (11th Cir. 1993); *Cox v. Administrator U.S. Steel & Carnegie*, 17 F.3d 1413 (11th Cir. 1994); *Restigouche, Inc. v. Town of Jupiter*, 59 F.3d 1213 (11th Cir. 1995) all holding that a stay of a motion for Summary Judgment is appropriate if the non-moving party has not received discovery.

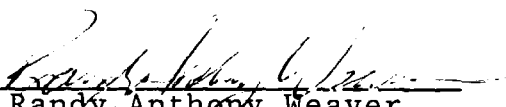
CERTIFICATE OF SERVICE AND MAILING

I HEREBY CERTIFY, that a true and correct copy of the forgoing declaration opposing defendant's motion for Summary Judgment alongh attachments was mailed this 21st day of Feburary, 2003, to Mr. Charles S. White, A.U.S.A. Counsel for Defendant's, U.S. Attorney's Office, 99 N.E. 4TH Street Miami Florida 33132, by "CERTIFIED MAIL-RETURN RECEIPT REQUESTED", postage pre-paid.

I HEREBY CERTIFY, that by my signature hereto affixed, I did personally review the contents of the foregoing, and did personally witness the plaintiff, Randy Anthony Weaver, place the same in the Legal Mail Box at the Federal Correctional Facility on this 21st day of Feburary, 2003.

Witness Signature's:

By: 
Randy Anthony Weaver
Plaintiff/Pro Se

" EXHIBIT ONE "

NOTICE FILED IN U.S. DISTRICT COURT DAY AFTER ASSAULT.

(see footnote # 1)

PLAINTIFF'S EXHIBIT ONE

" EXHIBIT TWO "

COPY OF NOTICE STAMPED FILED ON JULY 7, 2000.

(see footnote # 4)

PLAINTIFF'S EXHIBIT TWO

CLERK OF COURT
U.S. DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
CLERK'S OFFICE
U.S. DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
CLERK'S OFFICE
U.S. DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

RECD by _____	D.C.
III	7 2000
CLARENCE MADDOX CLERK U.S. DIST. CT. S.D. OF FLA. FT. LAUD.	

RE: REQUEST FOR ACTION TO GRANT
CIVIL ACTION PENDING TO 25
U.S.C. 3171, AND 3172.

Very Honorable Clerk: 6-27-2000

On June 27, 2000, approximately
11:00 AM, immediately after a court
appearance in front of the Honorable
United States Judge Judge Shaw,
this petitioner was physically
disrupted by a United States Marshall
while still inside the courtroom.

This petitioner is seeking criminal
charges against said Marshall
for (2) counts of felony assault.

IT IS REQUESTED THAT THE HONORABLE
COURT PROVIDE PROTECTION FOR THE PETITIONER
AGAINST THE 1983 CIVIL RIGHTS ACT, AND THAT
THE PETITIONER WILL NAME HIS
DEFENDANTS:

(1) THE UNITED STATES DEPARTMENT OF JUSTICE;
(2) THE UNITED STATES MARSHAL'S SERVICE;
AND,

(3) THE FEDERAL BUREAU OF PRISONS;
AND,

(4) THE UNITED STATES MARSHALL
RESPONSIBLE FOR THE ASSAULT, ALONG
WITH THE PARTNER OF THAT U.S.
MARSHALL THAT DID NOT MAKE ANY
ATTEMPTS TO PREVENT SAID ASSAULT.

FURTHERMORE, THIS PETITIONER REQUESTS
THAT THE HONORABLE COURT FOR A
"ORDER" PREVENTING ANY AND ALL FORMS
OF RETALIATION AGAINST THIS PETITIONER.

By PETITIONER(S), and their attorneys,
 in and to the Court, and to the
 interested parties, and to the
 request the Court provide necessary
 documents and PETITIONER(S) to FILED
 "INFORMAL PAPERS", and that in the
 event this Court finds merit in
 PETITIONER(S) claims, that this Court
 appoint legal counsel to properly
 prepare further COURT DOCUMENT(S).
 I THANK THIS HONORABLE COURT IN
 ADVANCE FOR ITS TIME AND CONSIDERATION
 IN THIS MATTER.

cc: FEDERAL
 PUBLIC DEFENDER
 RONALD W. LEE;
 my RECORDS, U.S.
 ATTORNEY'S OFFICE

Respectfully Submitted,
 Sincerely,
Barry A. Kline
 Barry A. Kline, Esq.
 PRO SE

" EXHIBIT THREE "

COPY OF JURY VERDICT FORM.

(see footnote # 6)

PLAINTIFF'S EXHIBIT THREE

dlc km

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No. 01-6065
18 U.S.C. §111(a)(1)

CR-ROETTGER

MAGISTRATE JUDGE
SNOW

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
vs.)
)
RANDY ANTHONY WEAVER,)
)
Defendant.)
_____)

CLERK U.S. DIST. CT.
S.D. OF FLA.-FTL

2001 APR 30 PM 2:26

INDICTMENT

The Grand Jury charges that:

COUNT I

On or about June 28, 2000, at Broward County, in the Southern District of
Florida, the defendant,

RANDY ANTHONY WEAVER,


did forcibly assault, resist, oppose, impede, intimidate, interfere with Michael Gloetzner,
a Deputy of the United States Marshal's Service, while he was engaged in his official

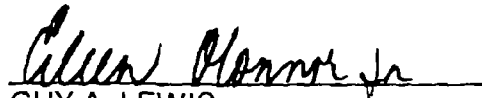


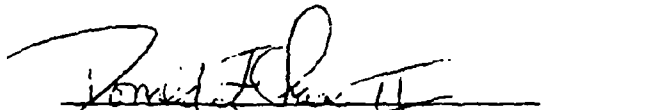
Attachment A

duties, in violation of Title 18, United States Code, Section 111(a)(1).

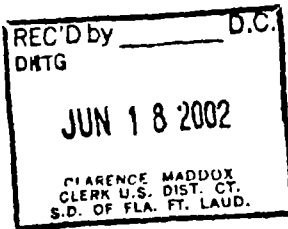
A TRUE BILL



FOREPERSON

GUY A. LEWIS
UNITED STATES ATTORNEY

DONALD F. CHASE, II
ASSISTANT UNITED STATES ATTORNEY



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

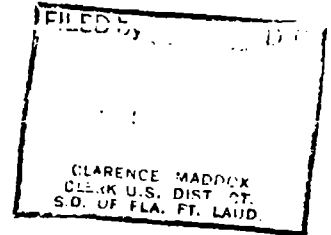
CASE NO: 01-6069-CR-ROETTGER

UNITED STATES OF AMERICA

VS

RANDY ANTHONY WEAVER

VERDICT



We the jury, find the defendant RANDY ANTHONY WEAVER,

1. Guilty as to forcibly assaulting, impeding
Guilty/Not Guilty or interfering with the person
described in the indictment.

If your answer to question number 1 is guilty, do not answer question 2. However, if your answer to question number 1 is not guilty, please answer question number 2.

2. Guilty/Not Guilty of the lesser included offense of
simple assault of a person
designated in section 1114.

as charged in the indictment.

SO SAY WE ALL.

Dated this 6/13/02 Day of June, 2002 at Fort Lauderdale,
Florida.


Foreman/Forewoman

Attachment B

66
66

" EXHIBIT FOUR "

COPY OF CRIMINAL NOTICE OF APPEAL.

(see footnote # 7)

PLAINTIFF'S EXHIBIT FOUR

FILING FEE	
PAID	<i>no</i>
In Forma Pauperis	<i>no</i>
Clarence Maddox, Clerk	

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

UNITED STATES of AMERICA,

Plaintiff,

v.

RANDY ANTHONY WEAVER,

Defendant.

01-6069-CR-ROETTGER

02 AUG 29 PM 2:45
CLERK U.S. DIST. CT.
S.D. OF FLA.-FTL

**DEFENDANT WEAVER'S NOTICE OF APPEAL CHALLENGING JUDGEMENT AND
SENTENCE PURSUANT TO RULE 37**

COMES NOW, Randy A. Weaver, the Defendant in the above-entitled matter and does hereby file his Notice of Appeal in the above-entitled matter, challenging the District Court's Judgement and Sentence, pursuant to Federal Rules of Criminal Procedure, Rule 37.

The Defendant, WEAVER would further move this Court for an Expedited Appeal in this matter, and would move that the honorable clerk forward said records, exhibits, transcripts to the Court of Appeals in a timely manner.

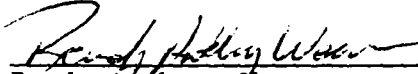
Respectfully Submitted,

Randy Anthony Weaver
Randy Anthony Weaver
U.S.M. # 92903-071
Federal Detention Center
P.O. Box 019120
Miami, Florida 33101-9120

CERTIFICATE OF SERVICE AND MAILING

I **HEREBY CERTIFY** that a true and correct copy of the foregoing was mailed this 26th day of August 2002 to Donald F. Chase, Esq., Assistant United States Attorney, United States Attorney's Office 500 East Broward Boulevard, Suite #700 Fort Lauderdale, Florida 33394; Scott W. Sakin, P.A. 1411 N.W. North River Drive Miami, Florida 33125, by depositing the same in the U.S. Mail at the Federal Detention Center in Miami, Florida.

Respectfully Submitted,



Randy Anthony Weaver
Defendant

U.S.M. # 92903-071
Federal Detention Center
P.O. Box 019120
Miami, Florida 33101-9120

" EXHIBIT FIVE "

PHOTOCOPY OF ENVELOPE DOCUMENT'S ARRIVED IN.

(see footnote # 12)

U.S. Department of Justice

1. *South American*
 2. *North American*
 3. *European*
 4. *African*
 5. *Asian*
 6. *Oceanic*
 7. *Antarctic*
 8. *Arctic*
 9. *Alpine*
 10. *Desert*
 11. *Mountain*
 12. *Coastal*
 13. *Urban*
 14. *Rural*
 15. *Suburban*
 16. *Industrial*
 17. *Commercial*
 18. *Residential*
 19. *Public*
 20. *Private*
 21. *Government*
 22. *Non-Profit*
 23. *For-Profit*
 24. *Academic*
 25. *Research*
 26. *Development*
 27. *Education*
 28. *Health*
 29. *Environment*
 30. *Energy*
 31. *Transportation*
 32. *Communication*
 33. *Information*
 34. *Technology*
 35. *Science*
 36. *Art*
 37. *Culture*
 38. *History*
 39. *Geography*
 40. *Politics*
 41. *Economics*
 42. *Social*
 43. *Psychology*
 44. *Philosophy*
 45. *Law*
 46. *Medicine*
 47. *Engineering*
 48. *Architecture*
 49. *Design*
 50. *Business*
 51. *Finance*
 52. *Marketing*
 53. *Sales*
 54. *Customer Service*
 55. *Human Resources*
 56. *Operations*
 57. *Logistics*
 58. *Supply Chain*
 59. *Manufacturing*
 60. *Construction*
 61. *Transportation*
 62. *Energy*
 63. *Water*
 64. *Waste*
 65. *Environment*
 66. *Climate*
 67. *Weather*
 68. *Disaster*
 69. *Emergency*
 70. *Security*
 71. *Defense*
 72. *Intelligence*
 73. *Law Enforcement*
 74. *Justice*
 75. *Immigration*
 76. *Border*
 77. *Customs*
 78. *Tax*
 79. *Regulation*
 80. *Compliance*
 81. *Quality*
 82. *Control*
 83. *Standards*
 84. *Measurement*
 85. *Analysis*
 86. *Interpretation*
 87. *Conclusion*
 88. *Recommendation*
 89. *Action*
 90. *Implementation*
 91. *Monitoring*
 92. *Evaluation*
 93. *Feedback*
 94. *Improvement*
 95. *Innovation*
 96. *Research*
 97. *Development*
 98. *Production*
 99. *Distribution*
 100. *Consumption*

[illegible]

33101+3126132/2131

1. *Phragmites australis*
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United States Attorney
Southern District of Florida
99 N.E. 4th St.
Miami, Florida 33132

Official Business
Penalty for Private Use \$300

444-8-2009

White

Randy Anthony Weaver

NTS

CLEARTEXT X-RAY

" EXHIBIT SIX "

STATEMENT TAKEN BY PRIVATE INVESTIGATOR.

(see footnote # 15)

APPELLANT "A-3"

Date: 8/7/00 3:42 PM

Sender: Darrell Thompson

To: Benjamin Stepp

Priority: Normal

Subject: Interview with Vickie Newson/Weaver Case

On Monday, August 7, 2000 I conducted a telephonic interview with Vickie Newson who was Randy Weaver's landlady in Florida. Her telephone number is 954-426-5182.

Vickie Newson said Weaver lived in her home from November 1999 until June 2000. The US Marshall's came and arrested him. She said they came in with guns in their hands like Weaver was an armed bank robber. She said Weaver was never aggressive with her and he paid his rent. Weaver was no angel she said but he was a decent person. He did some work on her property while he lived with her and she loaned him some money supposedly to buy some clothes to look for work. She found out later that he gave the money to his girlfriend. The money was repaid she added and Weaver does not own her for anything. She said she believes that Weaver needs some psychiatric counseling. Just putting him in jail will not help him in the long run she said. he needs some help

" EXHIBIT SEVEN "

COPY OF ORIGINAL STATEMENT OF DEFENDANT MEEHAN.

(see footnote # 16)

U.S. Department of Justice
United States Marshals Service



REPORT OF INVESTIGATION

Page 1 of 2

1. FID# 404788	2. DATE OF REPORT 06/23/2000	3. REPORTED BY James Meehan, DUSM
4. CASE TITLE: WEAVER, Randy		AT: USMS/Ft Lauderdale
5. TYPE OF REPORT (Check One)		
<input checked="" type="checkbox"/> REPORT OF ELECTRONIC INTERCEPTION		<input checked="" type="checkbox"/> ARREST
<input type="checkbox"/> COLLATERAL LEAD		<input type="checkbox"/> INTELLIGENCE UPDATE
<input type="checkbox"/> WITNESS INTERVIEW		<input type="checkbox"/> MEMORANDUM TO FILE
		<input checked="" type="checkbox"/> INCIDENT REPORT

On 06/20/2000, the USMS Ft Lauderdale received a collateral lead from the District of South Carolina to locate and apprehend WEAVER, who was wanted for absconding from supervision from their district. WEAVER's original charges were Threatening the President of the United States. WEAVER has a lengthy criminal history which include the following arrests: 2 Assault and Batteries, 5 Burglary/Larcenies, 1 Firearms violations, 3 Rape/Sexual Assaults, 1 Threatening the President, 2 Escapes, 5 Resisting Arrests, 1 Aggravated Harassment, 1 Bribing a Witness, and 2 Criminal Domestic Violence Charges.

On 06/21/2000, DUSM's Meehan and Gloetzer began conducting a surveillance of the following address, where WEAVER was believed to be residing: 1901 NW 77th Court in Coconut Creek, FL. At approximately 2300 hrs, on this same date, DUSM's believed that they observed WEAVER near the residence, but lost sight of him in the darkness.

On 06/22/2000, DUSM's Meehan and Gloetzer and Deputies from the Broward Sheriff's Office surrounded the above residence and made contact with the owner, Vicki Newson. The owner gave DUSM's consent to search and advised that WEAVER was in the house and was still in his bedroom. DUSM's Meehan and Gloetzer attempted to make contact with WEAVER, however the bedroom door was locked and WEAVER refused to come to the door. DUSM's Meehan and Gloetzer could hear WEAVER moving around inside the room and believed he might be attempting to escape. DUSM's forced the door open and located and apprehended WEAVER. WEAVER was then transported to the U.S. Court House in Ft Lauderdale for a removal hearing. At his hearing, WEAVER's attorney advised the court that WEAVER wished to fight identity. USMJ Snow set an identity hearing for 06/28/2000.

On 6/28/2000, DUSM's Meehan and Gloetzer entered the cell block to secure WEAVER and escort him to the hearing in front of USMJ Snow. Immediately upon coming into contact with WEAVER, he appeared agitated and aggressive towards the DUSM's. WEAVER was secured in the cellblock adjacent to USMJ Snow's courtroom, until the time of his hearing. While in this cell, WEAVER became even more agitated. At the time of WEAVER's hearing, DUSM's Meehan and Gloetzer retrieved WEAVER from the cell and DUSM Gloetzer advised him not to stand up or move around the courtroom, unless directed to do so by USMJ Snow. WEAVER

7. SIGNATURE (S/DUSM) <i>James Meehan</i>	8. DATE 6/23/2000	11. DISTRIBUTION
9. APPROVED (N/A) <i>[Signature]</i>	10. DATE 6/23/2000	2. DISTRICT
		HEADQUARTERS
		OTHER

UNITED STATES MARSHALS SERVICE

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U.S. Department of Justice
United States Marshals Service



REPORT OF INVESTIGATION CONTINUATION

Page 2 of

1. FID# 404788	2. DATE OF REPORT 06/28/2000	3. REPORTED BY James Meehan, DUSM
4. CASE TITLE: WEAVER, Randy		AT USMS/Ft Lauderdale

told DUSM Gloetzner that he should shut the fuck up. WEAVER remained calm through out the hearing and was found to be the Randy WEAVER that was wanted by the District of South Carolina. USMJ Snow ordered that WEAVER be removed to the District of South Carolina in USMS custody. Because he was a risk of flight DUSM's Meehan and Gloetzner then escorted WEAVER out of the courtroom. Once leaving the courtroom, DUSM Gloetzner applied one handcuff to WEAVER's left hand and then WEAVER attempted to spin around swinging his right arm. DUSM Gloetzner blocked WEAVER's swing and forced WEAVER to the ground. DUSM's Meehan and Gloetzner wrestled with WEAVER on the floor but were able to apply the second handcuff. While escorting WEAVER to the USMS cellblock WEAVER advised DUSM Gloetzner that he thought DUSM Gloetzner was a pussy and that if his restraints were removed he would kick DUSM Gloetzner's ass. WEAVER further advised DUSM Gloetzner that if he didn't believe him, then DUSM Gloetzner should look at his criminal history, because he has beat the shit out of officer's bigger than DUSM Gloetzner, in the past. WEAVER then moved quickly towards DUSM Gloetzner, spit in his face and attempted to head butt him. DUSM's Meehan and Gloetzner then physically restrained WEAVER and had to physically escort him into the USMS cellblock and into a cell. WEAVER resisted and fought with DUSM's the entire way. DUSM Gloetzner was seen by the on duty nurse in the U.S. Courthouse. After treating DUSM Gloetzner, the nurse came to the cellblock and treated WEAVER for a bloody nose, a bloody lip and shoulder pain. After treating WEAVER, the nurse advised that WEAVER did not appear to have any serious injuries, but would recommend that he see a physician at the FDC in Miami for a more examination.

UNITED STATES MARSHALS SERVICE

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" EXHIBIT EIGHT "

COPY OF ORIGINAL STATEMENT OF DEFENDANT GLOETZNER.

(see footnote # 17)

PLAINTIFF'S EXHIBIT EIGHT

U.S. Department of Justice
United States Marshals Service



REPORT OF INVESTIGATION

Page 1

1. CASE #: 6:96-96-1 FID#: 404788	2. DATE OF REPORT 6-28-00	3. REPORTED BY: M. GLOETZNER
4. CASE TITLE: USA -vs- WEAVER, RANDY		
5. TYPE OF REPORT (Check One):		
<input type="checkbox"/> ARREST <input type="checkbox"/> REPORT OF ELECTRONIC INTERCEPTION <input type="checkbox"/> INTELLIGENCE UPDATE <input type="checkbox"/> COLLATERAL LEAD <input type="checkbox"/> MEMORANDUM TO FILE <input checked="" type="checkbox"/> WITNESS INTERVIEW <input type="checkbox"/> INCIDENT		

On 6-28-00, at about 10:30am Deputies Meehan and Gloetzner escorted WEAVER to magistrate court in Fort Lauderdale at 10:30am. WEAVER was very agitated prior to going to court for an unknown reason. WEAVER was advised once he was in court not to stand or move about the court room unless the Judge instructed him to do so. WEAVER said shut the fuck up in response.

At about 11:00am, Deputy Gloetzner attempted to put restraints on WEAVER who jerked his hand away. Deputies controlled WEAVER and put restraints on him. WEAVER was placed in the elevator. WEAVER then stated that if his restraints were removed he would kick Deputy Gloetzner's ass.

After exiting the elevator WEAVER walked up next to Deputy Gloetzner until he was face to face. WEAVER then spit and attempted to hit Deputy Gloetzner in the face with his head. WEAVER continued to resist and fight against Deputies until he was placed into a cell by himself. WEAVER was seen by the on duty Nurse in the Ft. Lauderdale Federal building. The nurse advised that there were no serious injuries. The Nurse stated that WEAVER should see a doctor once he returns to Miami Federal Detention Center.

7. SIGNATURE APPROVED (Name and title)	8. DATE 6-28-00 DATE 6-28-00	11. DISTRIBUTION DISTRICT HEADQUARTERS OTHER
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UNITED STATES MARSHALS SERVICE
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IT NOR ITS CONTENTS MAY BE DISSEMINATED OUTSIDE THE AGENCY TO WHICH LOANED.

U.S. MARSHALS SERVICE
CRIMINAL JUSTICE DIVISION
CRIMINAL JUSTICE DIVISION

" EXHIBIT NINE "

COPY OF ORIGINAL STATEMENT OF DEFENDANT CRIMMINS.

(see footnote # 19)

U.S. PUBLIC HEALTH SERVICE
Federal Occupational Health

UNUSUAL INCIDENT REPORT

I. DESCRIPTION OF THE INCIDENT

Date of Incident 6-28-00

Time of Incident ~ 11:00 AM

Health Center and Location
(Stamp)

Name(s) and Position of FOH Staff Involved: Susan Crimmins RN

Name(s) of Others Involved: (Visitor, Witness) Weaver, Randy

Sequential Account of What Happened, Including Action Taken: Requested by U.S. M. to check on client Weaver, Randy in cell holding area. Assessed client, sitting in chair & cuffed on hands & feet. Small amt of blood noted under nose & on top of lip. →

II. SUPERVISOR NOTIFIED (Who, When) Mitchaka Talali B, PC

III. ASSESSMENT OF HOW INCIDENT COULD HAVE BEEN PREVENTED AND ACTION TAKEN TO PREVENT FUTURE INCIDENTS:

Susan Crimmins RN 6/28/00
Signature of DFOH Staff Person Date
Susan Crimmins RN, BSN
Printed Name

No swelling & bruises noted. Face. Client alert, speaking clearly, PERL, moved extremities as much as allowed w/ cuffs. HR strong + reg, 7. Cleared dried blood w/ peroxide + H₂O. Checked mouth, no bleeding noted. Client c/o Rt. shoulder pain. Assessed Rt. shoulder, no swelling noted. Difficult to assess Rom. Rec. F/u X-rays for nose + shoulder. Client ambulated w/ difficulty to cell.

6/28/00 Record released to Marshals
Office for F/u treatment.
J Cummings RA

" ATTACHMENT ONE "

COPY OF ARREST WARRANT FROM SOUTH CAROLINA.

(see footnote # 14)

PLAINTIFF'S ATTACHMENT ONE

Warrant for Arrest

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION

JUL 15 3 01 PM '99

UNITED STATES OF AMERICA

WARRANT FOR ARREST

VS.

CASE NUMBER: CR 6:96-96-1

RANDY A. WEAVER

To: The United States Marshal or any Authorized United States Officer

YOU ARE HEREBY COMMANDED to arrest RANDY A. WEAVER and bring him forthwith to the nearest magistrate judge to answer a

☐ Indictment ☐ Information ☒ Complaint ☐ Order of Court
☐ Violation Notice ☒ Probation Violation Petition

charging him with VIOLATION OF SUPERVISED RELEASE.

(SEE ATTACHED ORDER)

RECEIVED
JUL 20 AM 10:23
U.S. DISTRICT COURT
GREENVILLE, S.C.

William M. Catoe, Jr.
Name of Issuing Officer

United States Magistrate Judge
Title of Issuing Officer

William M. Catoe, Jr.
Signature of Issuing Officer

July 19, 1999 Greenville, SC
Date and Location

Bail to be set by Judge before whom defendant initially appears.

RETURN

Date of Arrest	Signature of Arresting Officer
Signature of U.S. Marshal	Signature of U.S. Marshal

" ATTACHMENT TWO "

MEDICAL REPORTS/ NOSE INJURY AND SHOULDER INJURY.

(see footnote # 18)

URGENT EYE, NOSE AND THROAT
Neck Surgery Clinic, P.A.
1900 Drive • Suite A
19, SC 29003
08/17/00

CALIFORNIA AVENUE 384 196 30 19301
ADDRESS 78641 596-2525 36 07/25/94 M
TELEPHONE NO AGE DOB

BY _____ INSURANCE _____

total fx 1-28-00
4. was accompanied by U.S. Marshall on 1-28-00
and ended up in a mental fx but was
treated medical treatment, had a tooth
that side of neck. Still has pain at night
due to it. was later taken to hospital
it hurts up into nose.
also some b/c of trauma
problems since accident.
X-ray or some - (as told fx)

ALLERGY _____ HX OF ASTHMA _____ HAY FEVER _____
CHEST PAIN _____ SOB _____
FACE BLEEDER _____
TOBACCO _____
ALCOHOL _____ STREET DRUG _____
GENERAL HEALTH _____

CANCER _____ DIABETES _____ ASTHMA _____ HAY FEVER _____
SENS. HT _____ WT 149.8 _____ P _____ R _____ B.P. _____ STANDING B.P. _____
APP NC _____ SCARS _____ LESIONS _____ MASSES _____

TENDERNESS _____ FACIAL NERVE _____

SDM _____ DIPLOPIA _____ PUPILS _____ CORNEA _____ VISION _____

CANAL RT clear _____ DRUM RT clear _____ SINUS NC _____
CANAL LT rem. impacted _____ DRUM LT clear _____ PNEUMOTOX _____

EC NK _____ SEPTUM dev. (R) and (L) _____ TURBINATES _____
ENDOSTOMA _____

anterior nasal spine

LIPS NC _____ GUMS NC _____ MUCOSA moist _____ TONGUE NC _____

TEETH total 4 molars or premolars _____ PALATE intact _____ UVULA NC _____

T. TONSILS 1st 2nd 3rd has _____ TONSILS NC _____ POST-PHARYNX NC _____

RYNX: ADENOIDS _____ E. TUBE _____ POST-CHOANAE _____

X: EPIGLOTTIS _____ VALLECULA _____ PYRIFORM FIBER _____

ARYTENOIDS _____ FALSE CORDS _____ CORDS _____

SYMMETRY NC _____ TRACHEA midline _____ THYROID 2/2 J's _____

ALIVARY GLANDS 2/2 J's _____ LYMPH NODES 2/2 J's _____

OTHER MASSES _____ TENDERNESS _____

CHEST SYMMETRY _____ EXPANSION _____

HEART _____ CAROTID _____

SHARP ROMBERG _____ FIN _____ NYCTAGMUS _____

ENT 1/2 J's

ENT 1/2 J's

ENT 1/2 J's

ENT 1/2 J's

ENT 1/2 J's

ENT 1/2 J's

CIVIL EXHIBIT "AS-01"

Cedars Medical Center

1400 N.W. 12 Avenue
Miami, FL 33136

FAX COVER SHEET
RELEASE OF HEALTH INFORMATION

ATTENDING: _____ CONSULTANT _____ REFERRING _____

PRIMARY CARE: _____ AUTHORIZATION: ☒

DATE: 28 02 TIME: 10¹⁵ a.m./p.m. PAGES: 8 (including cover sheet)

TO: _____ Health Care Facility: FURNERAL
(Authorized receiver's name)

FROM: CITY DETENTION
(Sender's name) (Authorized receiver's facility address, if needed)

TELEPHONE: _____ FAX: 305 342 1342
(Authorized receiver's number) (Receiver's fax number)

RE: BRUNO WEINER DOB: _____

Date of Service: _____ SS#: _____

Type of Service: ADM - ER - OP (circle one)

Reports Needed: _____

CONFIDENTIALITY NOTE: The documents accompanying this fax transmission contain confidential information, belonging to the sender, that is legally privileged. The information is intended only for the use of the individual or entity named above. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or the taking of any action in reliance on the contents of this information is strictly prohibited. If you have received this fax in error, please notify us by telephone immediately to arrange for return of the original documents to us.

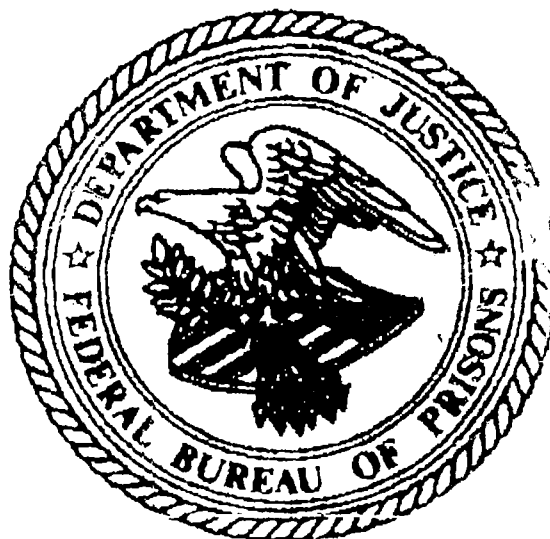
For Office Use Only: _____ FAX _____ MAIL _____

Rev. 7-98 Telephone: _____

FAX MAPS

Fax: _____

02/07/2002 04:22 105



Federal Detention Center
P.O. Box 019118
Miami, Florida 33101-9118

Fax Transmission Cover Sheet

From:

Tania Barrante

Phone #:

(305) 982-1335

To:

Cedar Medical

Phone #:

Agency:

Health Information

Fax #:

(305) 325-4490

Date:

2/7/02

Time:

9:45 AM

Number of Page(s) including cover

(2)

Remarks:

Please Fax ASAP to me

Thanks!

FAX (305) 982-1343

RECEIVED

FEB 8 2002

2002

U.S. Department of Justice
Federal Bureau of Prisons

Authorization to Provide Medical Records to FDC Miami

I understand that FDC Miami is requesting medical records and/or medical information pertaining to me and the treatment I received at your facility/hospital/clinic. I hereby authorize you to provide to FDC Miami, and/or its agents, representatives, or attorneys, any medical information or medical records which arose at your facility/hospital/clinic. I authorize you to give them complete copies and full disclosure of any medical records and/or information that has been prepared or collected or will be prepared or collected on me while I was at your facility/hospital/clinic. This authorization is deemed effective until expressly revoked in writing by me.

Authorized Third Party Recipient of My Medical Records/Information:

Name _____ FDC MIAMI
Address _____ 33 N.E. 4th STREET
City _____ State _____ Zip _____ MIAMI, FL 33132
ATTN: MEDICAL RECORDS

Inmate Name: WEAVER, Randy Reg. No. 92903-071
Date: 12/13/01 Inmate Signature: Randy Weaver
Witnessed by: James Barrante, M.D.A.S.

D.O.B: 7/26/1964
Surgery Done 11/27/01

EW-942

COLUMBIA CEDARS
MEDICAL CENTER

1400 NW 17th Avenue
Miami, Florida 33136
OPERATIVE REPORT

* Access#: E41732227
* WEAVER, RANDY
* MRN#: E0619425
* DATE OF BIRTH: 07-20-1964
* PRIO DATE: 11-27-01
*

PREOPERATIVE DIAGNOSIS:

Separation of right
acromioclavicular joint.

POSTOPERATIVE DIAGNOSIS:
acromioclavicular joint

1. Separation of right
2. Degenerative arthritis of

the right acromioclavicular
joint.

OPERATION:

Resection of distal clavicle
debridement of the joint, and
repair of the capsule

SURGEON:

James J. Yum, M.D.

ANESTHESIA:

General.

DETAILS OF THE PROCEDURE:

Under general anesthesia, with the patient on the operating room table in the supine position, the table was fashioned into a beachchair shape. One sandbag was placed on the right shoulder. The right shoulder was prepped and draped in the usual sterile manner. A longitudinal skin incision was made across the acromioclavicular joint along the line of the clavicle over the acromion. The capsule was then incised along the line of the incision and the periosteum was peeled off the distal clavicle. The acromioclavicular joint was very degenerative with inflammatory tissue in it. When the distal clavicle was isolated, using a small oscillating saw, about 1 cm of the distal clavicle was removed. The edges were smoothed using a rongeur. After that, hemostasis was carried out using the coagulating Bovie and the operative field was irrigated using antibiotic solution. The anterior part of the capsule was sutured to the depth of the posterior part of the periosteum in a capsule on the clavicle. Then the posterior capsule was sutured over this anterior capsule using # Ethibond. Very tight repair of the capsule with the distal clavicle, very well-placed, was accomplished. After that, the rest of the cut on the periosteum and capsule were repaired using 0 Vicryl. Irrigation was carried out again and the subcutaneous tissue was closed using 2-0 chromic. The skin was closed using skin staples. Xeroform gauze, 4 x 4, ABD and tape were applied and the arm was placed in an arm sling. The patient tolerated the procedure well and left the operating room in good condition.

JAMES J. KIM, MD

JJR/TI404/693927

DD: 11/27/01

DT: 11/27/01

ESIGN

TRANSCRIBED BY: TRANSMITTED

DATE OF TRANSCRIPTION 11/28/01

REPORT STATUS UPDATED BY:

DATE: 11/28/01 TIME: 11:41 AM BY: JAMES J. KIM, MD

DATE: 11/28/01 TIME: 11:41 AM BY: JAMES J. KIM, MD

PATIENT NAME: WEAVER, RANDY
UNIT NO: E0629425

EXAM#: 000591846 CXR SINGLE VIEW

AP CHEST 11/27/2001

PROJECTILE FRAGMENTS OVERLIE THE RIGHT LUNG BASE. THERE IS NO EVIDENCE OF PNEUMONIA, PNEUMOTHORAX, CHF OR CARDIOMEGALY.

IMPRESSION

1. PROJECTILE FRAGMENTS RIGHT LUNG BASE.
2. NO ACTIVE DISEASE.

** Electronically Signed by ROBERT P. BEECHAM on 11/27/2001 at 15:39
Reported by: ROBERT P. BEECHAM, M.D.
Signed by: BEECHAM, ROBERT P.

CC: James J. Kim MD; Federal Detention Center

DICTATED DATE/TIME: 11/27/2001 (1630)
TELENOLOGIST: ROBERT CORNELIUS, RT
TRANSCRIBED DATE/TIME: 11/27/2001 (1639)
TRANSCRIPTIONIST: CRAD:RB
PRINTED DATE/TIME: 02/07/2002 (1447) BATCH NO: N/A

PAGE 1 Signed Report Printed From DCL

SE00APRWMBWEAVER, RANDY
Miami, Florida 33136

WMBP, (P)RWMBWEAVER, RANDY
DOB: 07/26/1964 AGE: 37
ACCT NO: 000591846
EXAM DATE: 11/27/2001 AT: 15:39
RADIOLOGY NO:

RUN DATE: 02/07/02
 RUN TIME: 1447

CEDARS MEDICAL CENTER LAB
 Specimen Inquiry
 PCI User: CCHART-CVA Lab Database: LAB.CEDARS

PAGE: 1

PATIENT: WEAVER, RANDY

ACCT #: E41732227

LOC: CANTON

U # 20010411

AGE/SX: 37/M

ROOM:

REG: 11/27/01

REG DR: Kim, James J

DOB: 07/26/64

BED:

DIS:

STATUS: REG SDC

TLOC: PACU

SPEC #: 01.CE.C9717

RECD: 11/27/01 1419

STATUS: REG

REQ #: 11/27/01

COLL: 11/27/01

SURM DR: Kim, James J

ENTERED: 11/27/01-1419

SP TYPE: SP CEDARS

OTHR DR: Federal Detention Center

ORDERED: SP DECALCIFY, SP LEV IIH88304

CODKS: T1A100 M37600 - FIBROUS TISSUE/HEMORRHAGE, NOS

T02220 - SHOULDER, NOS

M31180 - SEPARATION, NOS

M78300 - REPAIR, NOS

COPIES TO:

Kim, James J
 7400 N Kendall Dr #302
 Miami, FL 33156
 305-670-0232

Federal Detention Center
 P.O. Box 019118
 Miami, FL 33101 9118
 305-982-1239

PROCEDURES: (11/27/01-1419)

SP DECALCIFY (11/28/01-1047)

SP LEV IIH88304 (11/28/01-1047)

TISSUES:

- DISTAL CLAVICLE AND AC JOINT RIGHT

CLINICAL HISTORY-

PRE-OP DX: AC SEPARATION RIGHT CLAVICLE
 PROCEDURE: RESECTION AND DISTAL CLAVICLE REPAIR

GROSS DESCRIPTION

(SPECIMEN CONSISTS OF THREE FRAGMENTS OF TAN PINK BONE TISSUE AND FIBROUS TISSUE/HEMORRHAGE. THE TISSUE IS FIBROFATTY TISSUE 4 X 2 X 2 CM IN APPROXIMATE SIZE. THE TISSUE IS LOCAL.

*** FINAL DIAGNOSIS ***

ACROMIoclavicular JOINT AND DISTAL CLAVICLE FIBROUS TISSUE/HEMORRHAGE AND FIBROFATTY TISSUE.

11-4011-40

*** CONTINUED ON NEXT PAGE ***



**MEDICAL DUTY STATUS
FEDERAL CORRECTIONAL INSTITUTION MIAMI
MIAMI, FLORIDA**

NAME: WEAVER, RANDY REG. NUM. 92113-071

UNIT: _____ DETAIL _____

PLEASE BE ADVISED THAT THE ABOVE NAMED INMATE HAS BEEN GIVEN THE FOLLOWING MEDICAL CLASSIFICATION STATUS:

_____ MEDICAL IDLE (From) _____ Until _____

_____ MEDICAL CONVALESCENCE (From) _____ Until _____

_____ MEDICALLY UNASSIGNED/ NO DUTY (From) _____ Until _____

_____ RESTRICTED DUTY (SPECIFY IN OTHERS) _____ Until _____

_____ REGULAR DUTY (From) _____

✓ OTHER: LOWER BUNK X 6 months

Date: 01-08-01

Signed/Stamp: _____

DEFINITIONS AND INSTRUCTIONS

MEDICAL IDLE - Temporary restriction not to exceed three (3) days duration. Patient is to remain in room, leaving the area only for meals, bathroom, required pill lines, count, visits, and scheduled religious services. **ALL OTHER AREAS AND ACTIVITIES ARE RESTRICTED. ABSOLUTELY NO RECREATIONAL ACTIVITY.**

MEDICAL CONVALESCENCE - Recovery period for operation or injury, normally does not exceed fourteen (14) days, but may be longer if deemed necessary by the attending clinician. Patient is not required to work, but must remain in the dormitory during their normal working hours, except for medications, meals, visits, and scheduled religious services. They have full institutional privileges, except for **ABSOLUTELY NO RECREATIONAL ACTIVITIES.**

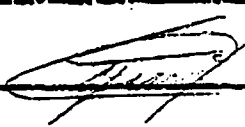
MEDICALLY UNASSIGNED - Not assigned to work due to recovery from operation or injury, or due to serious medical or psychiatric illness. Full institution privileges, however, recreational activity may or may not be allowed, depending on the orders of the attending physician.

REGULAR DUTY - No restrictions to work or recreational activity.

REGULAR DUTY WITH RESTRICTIONS - Restricted from work around machinery, heights, heavy lifting, sports activities, etc., because of physical or mental condition. **List limitation and effective time period.**

MEDICAL REPORT OF DUTY STATUS

NAME <i>Weaver Randy Anthony</i>		HOSPITAL REGISTRATION NO. <i>92903-071</i>		
ADDRESS <i>FDC MIAMI</i>				
INPATIENT	INCLUDE DATE OF TREATMENT FROM <i>5/1/01</i> TO <i>5/1/02</i>			
OUTPATIENT	DATE	TIME ARRIVED	TIME DEPARTED	
DISPOSITION	Can perform usual occupation	DATE	Can perform limited duties as specified under FELA/FICE	DATE
	Can perform limited duties as specified under FELA/FICE	DATE	Can perform usual occupation	DATE
	Can perform usual occupation	DATE	Can perform limited duties as specified under FELA/FICE	DATE
	Can perform limited duties as specified under FELA/FICE	DATE	Can perform usual occupation	DATE
OTHER (Specify)				
REMARKS <i>Lower back permit</i>				

NAME AND LOCATION OF HOSPITAL OR CLINIC <i>E. EDOUARD, P.A. FDC MIAMI</i>	SIGNATURE OF MEDICAL OFFICER OR MEDICAL RECORDS SUPERVISOR 	DATE <i>5/1/01</i>
----------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------

" ATTACHMENT THREE "

PHOTO INTRODUCED AT CRIMINAL TRIAL OF PLAINTIFF'S FACE.

(see footnote # 20)

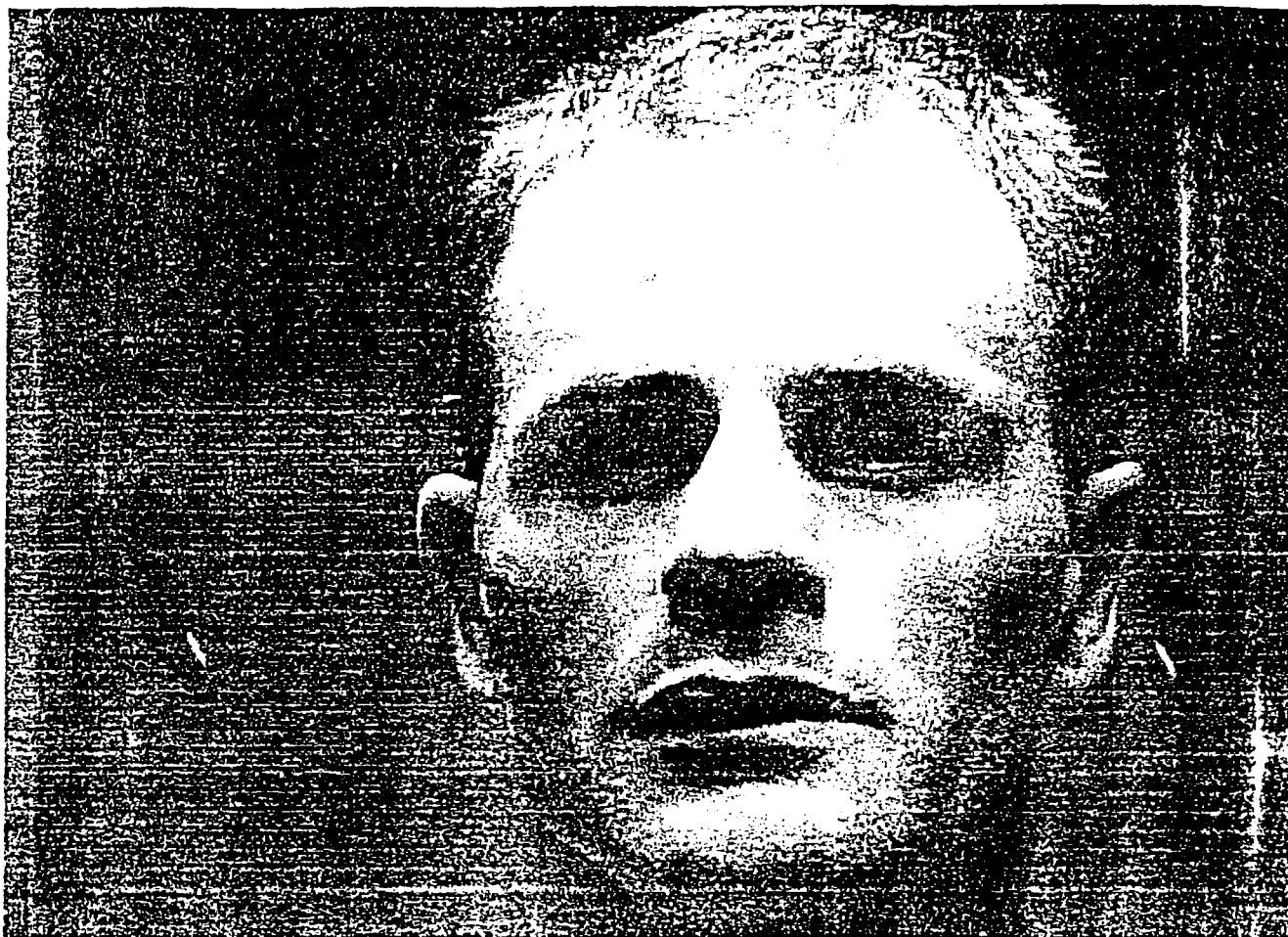


PHOTO TAKEN AT DUSM GREENHALL, AFTER THE
ASSAULT ON DUSTIN RIDETIMER. DUSM WOULD
WITNESSED THE TAKING OF THE PHOTO

" ATTACHMENT FOUR "

MEDICAL RECORDS-WHICH SHOW DATE OF INJURIES.

(see footnote # 21)

Department of Justice
Federal Bureau Of Prisons

MEDICAL HISTORY REPORT

(THIS INFORMATION IS FOR OFFICIAL AND MEDICALLY CONFIDENTIAL USE ONLY
AND WILL NOT BE RELEASED TO UNAUTHORIZED PERSONS)

1. LAST NAME—FIRST NAME—MIDDLE NAME <u>WILLIAM, JAMES A.</u>		2. REGISTER NUMBER <u>92203-01</u>
PURPOSE OF EXAMINATION <u>Intake Screening</u>	4. DATE OF EXAMINATION <u>5/1/01</u>	5. EXAMINING FACILITY <u>FDC MIAMI</u>
9. STATEMENT OF EXAMINEE'S PRESENT HEALTH AND MEDICATIONS CURRENTLY USED (Follow by description of past history, if complaint arises) <u>OK.</u>		

7. HAVE YOU EVER (Please check each item)		8. DO YOU (Please check each item)	
YES	NO	YES	NO
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(Check each item)		(Check each item)	
<input checked="" type="checkbox"/>	Lived with anyone who had tuberculosis	<input checked="" type="checkbox"/>	Wear glasses or contact lenses
<input checked="" type="checkbox"/>	Coughed up blood	<input checked="" type="checkbox"/>	Have vision in both eyes
<input checked="" type="checkbox"/>	Bled excessively after injury or tooth extraction	<input checked="" type="checkbox"/>	Wear a hearing aid
<input checked="" type="checkbox"/>	Attempted suicide	<input checked="" type="checkbox"/>	Stutter or stammer habitually
<input checked="" type="checkbox"/>	Been a sleepwalker	<input checked="" type="checkbox"/>	Wear a brace or back support

9. HAVE YOU EVER HAD OR HAVE YOU NOW (Please check at left of each item)							
YES	NO	DON'T KNOW	(Check each item)	YES	NO	DON'T KNOW	(Check each item)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Scarlet fever	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Epilepsy or fits
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Rheumatic fever	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Car, train, sea or air sickness
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Swollen or painful joints	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Frequent trouble sleeping
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Frequent or severe headache	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Depression or excessive worry
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Dizziness or fainting spells	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Loss of memory or amnesia
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Eye trouble	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Nervous trouble of any sort
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Ear, nose, or throat trouble	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Periods of unconsciousness
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Hearing loss	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Have you ever had homosexual contact?
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Chronic or frequent colds	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Been exposed to AIDS
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Severe tooth or gum trouble	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Alcohol Use (Excessive)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Sinusitis	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Drug Use/Addiction
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Hay Fever	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Marijuana
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Head injury	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Cocaine
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Skin diseases	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Heroin
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Thyroid trouble	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	L.S.D.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Tuberculosis	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Amphetamines
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Asthma	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Others: (Specify)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Shortness of breath	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Pain or pressure in chest	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Chronic cough	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Alcohol or drug Withdrawal Problems
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Palpitation or pounding heart	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Heart trouble	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	High or low blood pressure	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Cramps in your legs	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Frequent indigestion	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Stomach, liver, or intestinal trouble	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Gall bladder trouble or gallstones	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Jaundice or hepatitis	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

11. WHAT IS YOUR USUAL OCCUPATION? <u>601-1234-5678</u>	12. ARE YOU (Check one) <input checked="" type="checkbox"/> Right handed <input type="checkbox"/> Left handed
------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------

CHECK EACH ITEM YES OR NO EVERY ITEM CHECKED YES MUST BE FULLY EXPLAINED IN BLANK SPACE BELOW

YES	NO		YES	NO	
		13. Have you been refused employment or been unable to hold a job or stay in school because of: A. Sensitivity to chemicals, dust, sunlight, etc.			18. Have you ever had any illness or injury other than those already noted? (If yes, specify when, where, and give details.)
		B. Inability to perform certain motions.			19. Have you consulted or been treated by clinics, physicians, healers, or other practitioners within the past 5 years for other than minor illnesses? (If yes, give complete address of doctor, hospital, clinic, and details.)
		C. Inability to assume certain positions.			20. Have you ever been rejected for military service because of physical, mental, or other reason? (If yes, give date, and reason, for rejections.)
		D. Other medical reasons (If yes, give reasons.)			21. Have you ever been discharged from military service because of physical, mental, or other reasons? (If yes, give date, reason, and type of discharge whether honorable, other than honorable, for unfitness or unsuitability.)
		14. Have you, ever been treated for a mental condition? (If yes, specify when, where, and give details.)			22. Have you ever received, is there pending, or have you applied for pension, or compensation for existing disability? (If yes, specify what kind, granted by whom, and what amount, when, why.)
		15. Have you ever been denied life insurance? (If yes, state reason and give details.)			
		16. Have you had, or have you been advised to have, any operations? (If yes, describe and give age at which occurred.)			
		17. Have you ever been a patient in any type of hospital? (If yes, specify when, where, why, and name of doctor and complete address of hospital.)			

EXPLANATION: (013-22 ABOVE)

13-0 Epilepsy
14- SEVERAL TIMES
16- SHOT IN CHEST "96"
17- WHEN SHOT, BRAIN EXPLODED
18- STILL HAVE UNTHEORETICAL
BROKEN NOSE, DISLOCATED (21)
SHOULDER

19 - Broken nose, dislocated shoulder
20 - Because of this problem when I was in
22 - Have received 331 & 100% disability in the past!

I certify that I have reviewed the foregoing information supplied by me and that it is true and complete to the best of my knowledge. I authorize any of the doctors, hospitals, or clinics mentioned above to furnish the Government a complete transcript of my medical record.

TYPED OR PRINTED NAME OF EXAMINEE <i>BRANDY ANTHONY WEAVER</i>		SIGNATURE <i>Brandy Anthony Weaver</i>	
INTAKE SCREENING: INMATE RECEIVED FROM: COURT _____ TRANSFER <input checked="" type="checkbox"/> P.V. _____ OTHER _____		THERE BEEN ANY PROBLEMS SINCE STOPPING THE USE OF DRUGS OR ALCOHOL? <i>no</i>	
MEDICAL STAFF'S COMMENTS AND OBSERVATIONS: PLEASE DIRECT YOUR ANSWERS TO MENTAL-STATUS, POTENTIAL SUICIDE, APPEARANCE, CONDUCT, STATE OR CONSCIOUSNESS, RASHES, JAUNDICE, BRUISES AND/OR MARKS, SWEATING, BODY DEFORMITIES, ETC. NOTE OBSERVATIONS IN BLOCK 23 BELOW.		DOES PATIENT NEED TO BE SEEN IMMEDIATELY BY THE MEDICAL STAFF YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> WHAT ARRANGEMENTS HAVE BEEN MADE? _____	
IF DRUGS HAVE BEEN USED, NOTE TYPE, HOW LONG, HOW MUCH, HOW OFTEN, HOW USED. WHEN WERE THEY LAST USED: HAVE		DUTY STATUS: TEMPORARY WORK <input checked="" type="checkbox"/> RESTRICTED _____ GENERAL POPULATION <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO _____ TYPE AND EXTENT OF LIMITATION _____	

23. Physician's summary and elaboration of all pertinent data (Physician shall comment on all positive answers in item 6 through 22. Physician may develop by interview any additional medical history he deems important, and record any significant findings here.)

① (A) shoulder subluxation } since June 2000
deviated nasal septum } 20 to Physical assessment

② seizure disorder

③ Hx of depression. No current Tx. No suicidal thoughts

④ bupropion in 1986 20 to GSW.

E. EDOUARD, PA. ⑤ Hx of drug used. No withdrawal symptoms

FDC MIAMI

TYPED OR PRINTED NAME OF PHYSICIAN OR EXAMINER BP149 REVIEWED	DATE 5/	SIGNATURE <i>E. Edouard</i>	NUMBER OF ATTACHED SHEETS
REVERSE OK FOR TRANSFER			

3N 7540-00-634-4176

AUTHORIZED FOR LOCAL REPRODUCTION

MEDICAL RECORD

CHRONOLOGICAL RECORD OF MEDICAL CARE

DATE

SYMPTOMS, DIAGNOSIS, TREATMENT, TREATING ORGANIZATION (Sign each entry)

INTAKE SCREENING FORM

9/1/01
1945- S: Explain any history of the following

Allergies

Penicillin / codeine

Hepatitis

no.

Alcohol/ Drug Use or Withdrawal

no

Tuberculosis, Exposure to TB, or Positive PPD Test

no

Any STD (Syphilis, Gonorrhea, Chlamydia)

no

Any Infectious Disease, HIV:

no

Mental Disease, Suicidal Thoughts, Gestures or Attempts

Hx of depression
in 1989. NO current TX. NO suicidal thoughts
Important Surgical or Medical History.....Medications

since 1991. currently on Dilantin 200 mg BID.

FEMALE: G P Ab LMP

(R) shoulder subluxation since June 2000. Pnd

History of Rape or Assault

surgery. deviated nasal
septum since June 2000. 2° to physical
assault. Lap laparotomy in 1986 2° to
GSW.

HOSPITAL OR MEDICAL FACILITY

STATUS

DEPART./SERVICE

RECORDS MAINTAINED AT

SPOI

RELATIONSHIP TO SPONSOR

PATI

ID No or SSN; Sex;

REGISTER NO.

WARD NO.

WEAVER

RANDY ANTHONY

92903-071

W/M/O/07-26-1964

HT/510 WT/150 HR/BN EY/HL

CUSTODY/IN

CHRONOLOGICAL RECORD OF MEDICAL CARE

Medical Record

STANDARD FORM 600 (REV. 8-97)

Prescribed by GSA/ICMR

FIRM (41 CFR) 201-9.202-1

" ATTACHMENT FIVE "

COPY OF TRANSIT DOCUMENT'S.

(see footnote # 22)

BP-5149-060 MEDICAL RECORD OF FEDERAL PRISONER IN TRANSIT CDFRM

JUL 96

U.S. DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF PRISONS

<p>TM Clearance</p> <p>PPD Completed: <u>1-11-01</u> Date</p> <p>Results: <u>0</u> mm</p> <p>Interpreted as: <u>negative</u> (Positive or Negative)</p> <p>CXR Completed: _____ (Date)</p> <p>Results: _____</p> <p>Note: Date(s) listed above must be within one year of this transfer.</p>		<p>Name: <u>WEAVER, RANDY ANTHONY</u> Reg. No. <u>92903-071</u></p> <p>Departed From: <u>FDC MIAMI</u> Date Departed: <u>5-4-00</u></p> <p><u>FTL</u> <u>non medical</u></p> <p>Destination: _____ Reason for Transfer: _____ Name of Institution</p> <p>Special Instructions: <u>Blood and Body Fluid Precautions</u></p> <p><u>Allergic to PENICILLIN & CODEINE</u></p> <p><u>lower bunk, no machineries</u></p>	
<p>No inmate may be transferred to any BOP facility unless either PPD or CXR results are satisfactory for medical clearance.</p>		<p>Diagnoses: 1. <u>Hx Seizure Disorder</u> 4. <u>Deviated nasal septum</u></p> <p>2. <u>Hx Depression, no meds</u> 5. _____</p> <p>3. <u>Hx Subluxation, Right shoulder</u></p>	

[illegible]

SENSITIVE-LOU

Signature of Certifying Medical Staff Member	Title	Date Signed
<i>[Signature]</i> P. PANGILINAN, P.A.	Physician Assistant	5-4-01

PROGRESS NOTES ENROUTE

Date	Time	Institution	Symptoms, Findings, Medications, Treatment, Order, Etc.
			<p data-bbox="857 1864 1396 1890">Attach SF-600 if additional space is required.</p>

Record copy - Transporting Officer; Copy - Health Record (Top page, Position one); Copy - Transferring institution

(This form may be replicated via WP)

This form replaces BP-149.060 and BP-5149.060 dtd Nov 1994

BP-S149.060 MEDICAL RECORD OF FEDERAL PRISONER IN TRANSIT CDFRM

JUL 96

U.S. DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF PRISONS

TB Clearance PPD Completed: <u>1-11-01</u> Date Results: <u>0</u> mm Interpreted as: <u>negative</u> (Positive or Negative) CXR Completed: _____ (Date) Results: _____ Note: Date(s) listed above must be within one year of this transfer.		Name: <u>WEAVER, RANDY ANTHONY</u> Reg. No. <u>92903-071</u> Departed From: <u>FDC MIAMI</u> Date Departed: <u>5-8-01</u> Destination: <u>FTL</u> Reason for Transfer: <u>non medical</u> Name of Institution Special Instructions: <u>Blood and Body Fluid Precautions</u> <u>allergic to PENICILLIN & CODEINE</u> <u>lower bunk, no machineries</u>	
Diagnoses: 1. <u>Hx Seizure disorder</u> 4. <u>Deviated nasal septum</u> 2. <u>Hx Depression, no meds</u> 5. _____ 3. <u>Hx subluxation, right shoulder</u> 6. _____			

No inmate may be transferred to any BOP facility unless either PPD or CXR results are satisfactory for medical clearance.

MEDICATION FOR CARE ENROUTE

Medication	Dose	Route	Instructions for Use (Include proper time for administering)	Stop
phenytoin sodium extended capsule	100mg	po	take 2 capsules by mouth twice daily at 7am-7pm # 28	indef.
SENSITIVE-LOU				

Signature of Certifying Medical Staff Member <u>P. PANGILINAN, P.A.</u> <u>F.D.C. MIAMI</u>	Title Physician Assistant	Date Signed 5-8-01
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PROGRESS NOTES ENROUTE

Date	Time	Institution	Symptoms, Findings, Medications, Treatment, Order, Etc.

Attach SF-600 if additional space is required.

Record copy - Transporting Officer; Copy - Health Record (Top page, Position one); Copy - Transferring institution

(This form may be replicated via WP)

This form replaces BP-149.060 and BP-S149.060 dtd Nov 1994



BP-S149.060 MEDICAL RECORD OF FEDERAL PRISONER IN TRANSIT CDFRM

JUL 96

U.S. DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF PRISONS

TB Clearance PPD Completed: <u>1-11-01</u> Results: <u>0</u> Date <u>mm</u> Interpreted as: <u>negative</u> (Positive or Negative) CXR Completed: _____ Results: _____ Note: Date(s) listed above must be within one year of this transfer.		Name: <u>WEAVER, RANDY ANTHONY</u> Reg. No. <u>92903-071</u> Departed From: <u>FDC MIAMI</u> Date Departed: <u>5-23-01</u> Destination: <u>FTL</u> Reason for Transfer: <u>non medical</u> Special Instructions: <u>Blood and Body Fluid Precautions</u> <u>Allergic to PENICILLIN & CODEINE</u> <u>lower bunk, no machineries</u> Diagnoses: 1. <u>Seizure disorder</u> 4. _____ 2. <u>Deviated nasal septum</u> 5. _____ 3. <u>Rx Depression, no meds</u> 6. _____	
-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--

No inmate may be transferred to any BOP facility unless either PPD or CXR results are satisfactory for medical clearance.

MEDICATION FOR CARE ENROUTE

Medication	Dose	Route	Instructions for Use (Include proper time for administering)	Stop
Phenytoin sodium extended capsule	100mg	po	take 2 capsules by mouth twice daily at 7am-7pm	indef.
			# 28	
SENSITIVE-LOU				

Signature of Certifying Medical Staff Member <u>P. PANGILINAN, P.A.</u> F.D.C. MIAMI	Title <u>Physician Assistant</u>	Date Signed <u>5-23-01</u>
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PROGRESS NOTES ENROUTE

Date	Time	Institution	Symptoms, Findings, Medications, Treatment, Order, Etc.

Attach SF-600 if additional space is required.

Record copy - Transporting Officer; Copy - Health Record (Top page, Position one); Copy - Transferring institution

(This form may be replicated via WP)

This form replaces BP-149.060 and BP-S149.060 dtd Nov 1996



" ATTACHMENT SIX "

COPIES OF LETTER'S TO/FROM AGENCIES.

(see footnote # 23)

PLAINTIFF'S ATTACHMENT SIX

To: The Office of the United States
Office of Professional Responsibilities
United States Justice Department
Washington, D.C. 20543

From: Mr. Randy Anthony Weaver
92903-071
Federal Correctional Institution
P.O. Box 779800
Miami, Florida 33177

RE: Request for investigation into
physical assault by U.S. Marshals
while handcuffed and shackled inside
a Federal Courthouse.

Dear Sir/Madam;

January 18th, 2001.

This letter is in reference to the assault that occurred to me while in the custody of the United States Marshals Office for the Southern District of Florida. Said assault did take place on the 28th day of June, 2000, inside the Federal Courthouse in Fort Lauderdale, Florida, and was recorded by numerous camera's that were stationed throughout the building. (See attached diagram, and specs for said camera's including their angle view, range, etc., and also an attached statement from the manufacture of said camera's as to their reliability)

I have begun to prepare a Civil Action to also be filed in this matter, along with the filing of Criminal charges against those involved, not only in the assault, but in the cover-up of injuries as well. I would request that this office investigate this matter, and provide a copy of it's findings to Plaintiff's counsel, Mr. Johnnie Cochran, and Mr. F. Lee Bailey.

Also, please find included with this letter, all the information necessary to review this information through the use of medical records, statements, places where the Plaintiff was shipped to cover-up said injuries, etc.

In the event that this office requires additional information, please feel free to contact me at the following address, and also to contact the following agencies that have become aware of this matter as well.

Mr. Randy Anthony Weaver
4810 N.W. 77th Court
Pompano Beach, Florida
33073

Mr. Richard Marris, Esq.,
Attorney-at-law
317 Montgomery Street
Syracuse, New York 13204

Sincerely Yours,


Randy Anthony Weaver

To: The Federal Bureau of Investigation
Ninth St. & Penn. Ave, N.W.
Washington, D.C. 20003

From: Mr. Randy Anthony Weaver
92903-071
Federal Detention Center
P.O. Box 019120
Miami, Florida 33101-9120

RE: REQUEST TO FILE CRIMINAL CHARGES OF ASSAULT
AGAINST U.S. MARSHALS FOR ASSAULT WHILE ON
FEDERAL PROPERTY.

Dear Sir/Madam;

July 12, 2001.

This letter is in reference to my desire to pursue the filing of criminal charges of assault against United States Deputy Marshal Michael Gloetzner and Deputy Marshal James Meehan of the Fort Lauderdale, Florida marshals office. As you will notice from the enclosed documents, I have been constantly trying to file these charges through local State Law Enforcement, but, due to the fact that the assault occurred on Federal property, and inside a Federal Courthouse, the State has informed me that this office has sole jurisdiction in this matter.

This letter in question happened on June 20, 2000, and I have been in contact with the State Attorneys Office in Fort Lauderdale on several occasions, as far back as early or mid November, 2000. I have also brought this matter to the attention of the U.S. Justice Department, the U.S. Inspector Generals Office, as well as numerous other State authorities.

Most of the exhibits that you will see, you'll notice have been assigned a civil exhibit number, as I have commenced Civil Action already in relation to this incident. As you will also see, that on several occasions, even though I was being bounced around from place to place, I still managed to seek medical treatment for the injuries that I incurred during, and as a direct result of said assault.

The cover page is that of a response from the Capt of the Fort Lauderdale Police Department, in which a Detective Sergeant T. Falk conduct an investigation into this

XX PLEASE RETURN PHOTO
COPY OF ORIGINAL COVER
LETTER AND TRANSMITTAL
SLIP FROM CAPT. LAMBERT
OF THE FT. LAUDERDALE
POLICE DEPARTMENT!

matter, based upon that investigation a report was forwarded to the Capt for his review.

As you will notice from the cover-page, the Capt states that, "after careful review of the facts in your case, it has been determined that the Federal Bureau of Investigation has jurisdiction in this matter, since the alleged incident occurred on federal property by federal officers, while you were in their custody". And so, I now file those documents along with a copy of the Civil Action filed in this matter in U.S. District Court in Miami, Florida, with your office.

I would ask that this office review the enclosed material, and the documents presented with it, and lodge an investigation into this matter to determine if the filing of criminal charges is warranted in this matter. I believe the exhibits are very self-explanatory in nature, and would be willing to meet with whatever authorities that I have to, to see that this matter is properly pursued through all the right legal channels.

I am represented by Mr. Scott Sakin, P.A. (305) 545-0007, and have been trying to forward a copy of this matter to Mr. Johnnie Cochran for his consideration in becoming involved at the civil level. I do have proof that these two same Marshals have even harrassed and stalked the young lady I was engaged to, and have even gotten her so afraid that she is in a hling now for fear of what these two Marshals will do if she were to testify on my behalf. That proof is in the form of a letter from her written to me, and also she has even informed others of these threats by the Marshals.

Her (fiance' at the time) comments were also stated to me while here at the Federal Detention Center over the phone, and I have informed my attorney of this, as well as informed the U.S. District Court, requesting that the tape of said call be held in evidence. I am enclosing the transcript of this call with this letter.

Please feel free to contact me in the event you need additional information regarding this matter.

cc: S. Sakin
U.S. District Court

Sincerely,

Randy Anthony Weaver



U.S. Department of Justice

Federal Bureau of Investigation

Washington, D.C. 20535-0001

October 2, 2001

Mr. Randy Anthony Weaver, #02903-071
Federal Detention Center
Post Office Box 019120
Miami, Florida 33101-9120

Dear Mr. Weaver:

I am writing in response to your correspondence addressed to the FBI.

A representative of the FBI's Miami Office will contact you in the near future to obtain additional details regarding this matter. Thereafter, the information you provide, as well as an investigation conducted relative to your complaint, will be referred to the Civil Rights Division, Department of Justice, for its prosecutive opinion. That Division has the final authority regarding federal prosecutive action in civil rights matters.

Sincerely yours,

A handwritten signature in cursive script that reads "Thomas A. Reynolds".

Thomas A. Reynolds
Chief, Civil Rights Unit
Criminal Investigative Division

00-6847-100-10

Q-N: 6. *Mathematical Logic* (1990)

February, March & November

Hammer, Andy. A record.

1192963 (71)

FORNIA (Public Trust) (NOTICE)

PC Day 101 2011 Fall

Miami Fl 194 22/77

26. 1.10.1966 10.00 AM 7.5

Wm. B. / May 2007

April 16, 01.

IN REFERENCE TO THE ENCLOSED DOCUMENT, I HAVE BEEN INFORMED THE INVESTIGATIVE OFFICER(S) THAT ON APRIL 1, 2001, ANOTHER INDIVIDUAL FROM THE SAME POLICE DEPARTMENT (HE DEFENDANT'S) DID REMOVE THE 75TH PAGE OF THE ABOVE DOCUMENT. AN INDIVIDUAL WITNESSED PLACING SAID DOCUMENT IN THE LOCKER - HAVING FIRSTS PAGE, THAT TO GO TO A COURT IN A BUREAU. HE DID NOT RETURN WITH SAID DOCUMENT.

[illegible]



CITY OF
FORT LAUDERDALE

Venice of America

April 24, 2001

Mr. Randy A. Weaver
92903-071
Federal Correctional Institution
P.O. Box 779800
Miami, FL 33177

Dear Mr. Weaver:

Please find enclosed the information you forwarded to the felony assault division of the Fort Lauderdale Police Department.

After careful review of the facts of your case, it has been determined that the Federal Bureau of Investigation has jurisdiction in this matter, since the alleged incident occurred on federal property by federal officers, while you were in their custody.

Sincerely,

Captain Robert F. Lamberti
Criminal Investigations Division

RFL:TJF:tsr

POLICE DEPARTMENT

1300 WEST BROWARD BOULEVARD, FORT LAUDERDALE, FLORIDA 33312
TELEPHONE (954) 828-5700, FAX (954) 828-6001





MICHAEL J. SATZ
STATE ATTORNEY
SEVENTEENTH JUDICIAL CIRCUIT OF FLORIDA
BROWARD COUNTY COURTHOUSE
201 S.E. SIXTH STREET
FORT LAUDERDALE, FL 33301-3360

CIVIL EXHIBIT "AS-03"

PHONE (954) 831-6955

March 19, 2001

Mr. Randy A. Weaver
92903-071
Federal Correctional Institution
P.O. Box 779800
Miami, Florida 33177

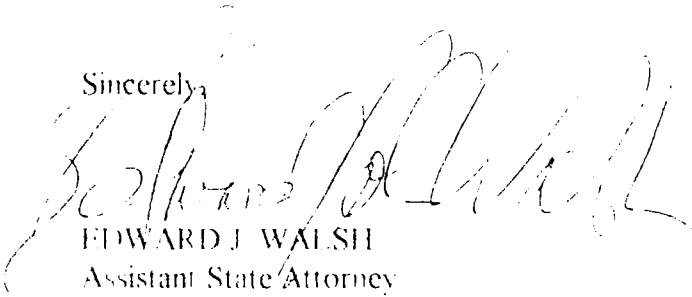
Dear Mr. Weaver,

With reference to your letter of February 25th the address of the Fort Lauderdale Police Department is as follows

Fort Lauderdale Police Department
1300 W. Broward Boulevard
Fort Lauderdale, Florida 33312

This office will conduct a timely legal review of any felony investigation presented by a professional law enforcement agency acting within Broward County, Florida

Sincerely,


EDWARD J. WALSH
Assistant State Attorney
Supervisor, Felony Case Filing

cc: Michael J. Satz
Admin Ref #01-034

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION

Reddy Anthony Weaver,

Response,

✓

* CASE NUMBER: _____

天

vs.

*

"AFFIDAVIT IN SUPPORT OF

✱

PETITIONER'S MOTION FOR AN

✱

EMERGENCY INJUNCTIVE RELIEF

*

ORDER IN CIVIL ACTION!

[illegible]

COMES NOW, RANDY ANTHONY WEAVER, THE PETITIONER IN THE

ABOVE-CAPTIONED MATTER DOES MERELY MOVE THIS HONORABLE COURT FOR AN ORDER GRANTING IMMEDIATE "EMERGENCY INJUNCTIVE RELIEF", PURSUANT

TO THE FEDERAL RULES OF CIVIL PROCEDURE, THE PETITIONER WOULD

STATE THAT THIS COURT INVOKES ITS JUDICIAL AUTHORITY IN THIS MATTER, AS IT INVOLVES AN ASSAULT BY U.S. MARSHALLS ON FEDERAL PROPERTY.

IT IS FURTHER STATED, THAT THIS PETITIONER DID FILE A NOTICE TO
SEEK CIVIL ACTION ON THE 29TH DAY OF JUNE, 2000, WITH THE HONORABLE
U.S. DISTRICT COURT IN SOUTHERN FLORIDA. AT WHICH TIME PETITIONER
SOUGHT AN "EMERGENCY INJUNCTIVE" ORDER THEN BUT WAS TRANSFERRED
BEFORE PETITIONER ~~COULD~~ BE HEARD, OR RECEIVE A RULING.

WHEREFORE, PETITIONER PRAYS THAT THE COURT WILL ORDER THAT THE CLERK OF THIS COURT DO FORTHWITH ISSUE AN ORDER FOR "EMERGENCY INJUNCTIVE RELIEF", PREVENTING ANY AND ALL FORMS OF

RETALIATION AGAINST THIS PETITIONER OR PETITIONER'S COMMON LAW WIFE, LISSETTE DIAZ (WEAVER). AND, THAT THIS MATTER BE PLACED ON THE COURT TAKET AT THIS COURT'S EARLIEST CONVIENCE SO THAT PETITIONER MAY BE HEARD.

I THANK THIS HONORABLE COURT IN ADVANCE FOR ITS TIME AND CONSIDERATION IN THE ABOVE CAPTION MATTER. IN SUPPORT OF SAID MOTION THE PETITIONER ONLY STATES, TO WIT:

(1). THAT ON THE 28TH DAY OF JUNE, 2000, THIS PETITIONER WAS PHYSICALLY ASSAULTED BY AGENTS ACTING UNDER "COLOR OF LAW" ON FEDERAL PROPERTY, AND IN VIOLATION: 18 U.S.C. § 242, AND SUPPORTED THEREBY IN U.S. V. JACKSON, 275 F.2d 925 (5TH CIR. 1956); U.S. V. WALKER, 216 F.2d 673 (5TH CIR. 1954); U.S. V. JONES, 207 F.2d 785 (5TH CIR. 1953), THAT SAID ASSAULT WAS A VIOLATION OF FEDERAL, STATE, AND LOCAL LAWS, AND;

(2). THAT ON THE 29TH DAY OF JUNE, 2000, THIS PETITIONER DID FILE WITH THE HONORABLE U.S. DISTRICT COURT, A MOTION TO PROCEED WITH CIVIL ACTION; AND,

(3). THAT THE RESPONDANT(S) HAVE CONSPIRED TOGETHER TO COVER-UP THAT PETITIONER WAS ASSAULTED, AND THAT THE PETITIONER HAS PROOF OF THIS, AND;

(4). THAT FROM DATE OF ASSAULT, JUNE 28, 2000, TILL PRESENT THE PETITIONER HAS ONLY RECEIVED AN

X-RAY OF INJURIES (ON JULY 26, 2000 @ SPARTANBURG REGIONAL MEDICAL CENTER) AND THEN A TRIP TO THE SPARTANBURG EAR, NOSE AND THROAT HEAD AND NECK SURGERY CLINIC, WHERE A DR. HURST SCHEDULED SURGERY (BECAUSE INJURY IS EFFECTING BREATHING OF THIS PETITIONER), AND;

(5). THAT THE SPARTANBURG COUNTY DETENTION CENTER CONSPIRING WITH THE U.S. MARSHAL'S OFFICE OF SOUTH CAROLINA, AND THE SPARTANBURG REGIONAL HEALTH CARE SYSTEMS), AND OTHERS DID INTENTIONALLY OBSTRUCT THE PROPER FILING OF THIS DOCUMENT AND CIVIL ACTION BY TAMPERING WITH U.S. MAIL, AND FAILURE TO PRODUCE MEDICAL RECORDS FOR EXPERT OPINIONS; AND,

(6). THAT THE U.S. MARSHAL'S OFFICE, ESPECIALLY DEPUTIES, JAMES MEHRAN, AND MIKE G. (LAST NAME UNKNOWN) DID IN FACT CONSPIRE WITH THE FEDERAL BUREAU OF PRISONS, THE U.S. MARSHAL'S OFFICE FOR SOUTH CAROLINA, AND OTHER RESPONDENTS TO CONCEAL THE PETITIONER'S INJURIES, HINDER COMMUNICATION BETWEEN PETITIONER AND WIFE (KNOWING PETITIONER HAS NO ONE ELSE), AND PREVENT PETITIONER FROM RECEIVING ADEQUATE AND PROPER MEDICAL TREATMENT. WIFE IS INJOINED AS PLAINTIFF. AND;

(7). THAT, EVEN AFTER RECEIVING MEDICAL PROOF OF SAID INJURIES, AND MEDICAL REPORTS, THE RESPONDENTS DID CONSPIRE FURTHER AND PREVENT THIS PETITIONER FROM

RECEIVING NECESSARY MEDICAL TREATMENT.

(3) THAT THIS PETITIONER, PETITIONER'S WIFE HAVE ON NUMEROUS OCCASION(S) ATTEMPTED TO RECEIVE COPIES OF ALL MEDICAL RECORDS REGARDING ANY TREATMENTS, MEDICATIONS, HOSPITAL VISITS, ETC., FROM RESPONDANT(S) AND RESPONDANT(S) HAVE DENIED REQUEST. EVEN AFTER THE REQUEST WAS MADE PURSUANT TO THE FREEDOM OF INFORMATION ACT (F.O.I.A).

THEREBY INTENTIONALLY OBSTRUCTING OR IMPEDING THE JUDICIAL SYSTEM, AND DENYING PETITIONER HIS RIGHTS TO DUE PROCESS, CRUEL AND UNUSUAL PUNISHMENT, AND OTHER STATE AND FEDERAL LAWS NOT YET KNOWN TO THIS PETITIONER.

WHEREFORE, IN VIEW OF THE FACT THAT EVERY RESPONDANT/ DEFENDANT HEREIN NAMED IS CAPABLE OF, AND BASED ON THEIR ACTION(S) ALREADY, WOULD CONSPIRE TO RETALIATE AGAINST THIS PETITIONER OR PETITIONER'S WIFE (LISSETTE DIAZ-WENGER) THIS PETITIONER WOULD RESPECTFULLY REQUEST AND PLEAD WITH THIS HONORABLE COURT TO ISSUE AN "ORIO" PREVENTING ANY SUCH RETALIATION.

I THANK THIS HONORABLE COURT IN ADVANCE FOR ITS TIME AND CONSIDERATION IN THE AFORE-MENTIONED MATTER.

DATED THIS 3RD DAY OF
SEPTEMBER, 2000.

CC: RAW

ENCLOSURE(S) / EXHIBIT(S)

RESPECTFULLY SUBMITTED,

Randy Anthony Wenger

Randy Anthony Wenger

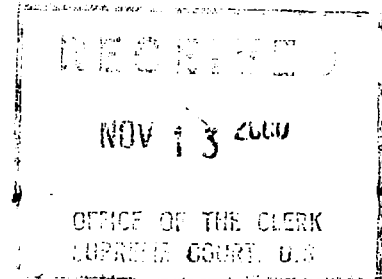
PLO 16

TO: THE HONORABLE CHIEF JUSTICE
UNITED STATES SUPREME COURT
U.S. SUPREME COURTHOUSE
WASHINGTON, D.C. 20534

CIVIL EXHIBIT #:

"SC-01"

RE: EMERGENCY REQUEST FOR ORDER
TO COMPEL U.S. DISTRICT COURT TO
RULE ON PROSE MOTION(S), AND TO
GRANT/ACCEPT "NOTICE OF APPEAL"



DEAR HONORABLE SIR / MADAM;

OCTOBER 26, 2000

DUE TO THE BLATANT DISREGARD BY THE U.S. DISTRICT COURT FOR THE SOUTHERN DISTRICT OF FLORIDA (FT. LAUD), AND THE U.S. ATTY'S OFFICE AS WELL AS OTHER'S, THIS PETITIONER HAS BEEN DENIED HIS CONSTITUTIONALLY PROTECTED RIGHTS TO A FAIR AND SPEEDY DISPOSITION AS WELL AS HIS RIGHT TO DUE PROCESS.

PETITIONER WAS APPREHENDED IN POMPADOUR BEACH FLORIDA ON THE 22ND DAY OF JUNE, 2000, FOR A "VIOLATION OF SUPERVISED RELEASE". AT TIME OF ARREST, PLAINTIFF WAS RESIDING WITH A LAW ENFORCEMENT OFFICIAL, WHEN ALL OF A SUDDEN HIS DOOR GETS KICKED OPEN. (WHICH WAS LOCKED) THIS OCCURRED AT APPROX 6:58 AM. WITHOUT ANY KNOCK OR IDENTIFICATION, TWO INDIVIDUALS POINTED WHAT APPEARED TO BE 9MM HANDGUNS AT THIS PETITIONER, AND ORDERED HIM TO LAY FACE FIRST ON HIS BED. AT THAT TIME, PLAINTIFF WAS COMPLETELY WITHOUT ANY CLOTHES ON, AS HE WAS GETTING READY TO TAKE A SHOWER.

UPON PLACING HANDCUFFS ON PETITIONER, PETITIONER DEMANDED (3) THREE SEPERATE OCCASSIONS FOR INDIVIDUAL'S TO PRODUCE A "WARRANT FOR PLAINTIFF'S ARREST". THEY FAILED TO PRODUCE ANY SUCH WARRANT! THEN

WITHOUT ANY CONSENT, OR PRODUCTION OF ANY FORM OF WARRANT, INDIVIDUAL KNOWN TO ME AS MIKE G. BEGAN TO SEARCH THROUGH MY DESK DRAWER, (WHICH WAS CLOSED). WHEN CONFRONTED AS TO WHY HE WAS DOING THAT HE STATED "LOOKING FOR THINGS TO PROVE YOUR IDENTITY". HE TOOK MY S.C. DRIVER'S LICENSE. HE THEN WENT INTO MY BATHROOM AND REMOVED MY CELL PHONE AND TOOK THAT WITH HIM. I WAS THEN GIVEN CLOTHES TO PUT ON, AND TRANSFERRED TO THE U.S MARSHAL'S OFFICE IN FT. LAUDERDALE, FLORIDA.

APPROX AROUND 9:30 AM I WAS BROUGHT BEFORE THE HONORABLE MAGISTRATE JUDGE LURANA SNOW, AND WAS APPOINTED MR. SAM SMARCON A.F.P.D. HE VERY BRIEFLY CONFRONTED ME, AND I REQUESTED THAT HE MOVE FOR A RULE (2)(b) MOTION. HE NEVER EVEN PROFFERED SAID MOTION TO THE COURT. THE COURT WAGON MOTION FROM THE GUILT ORDERED ME HELD IN CUSTODY, WITHOUT HOLDING A PROPER DETENTION HEARING. AT THAT POINT, I REQUESTED THAT AN IDENTITY HEARING BE HELD IN THIS MATTER. PETITIONER WAS TRANSFERRED TO THE FEDERAL DETENTION CENTER (F.D.C.) MIAMI, FLORIDA.

ON OR ABOUT THE 26TH DAY OF JUNE, 2000, A MR. BERNALDO LOPEZ (A.F.P.D.) ASST. FEDERAL PUBLIC DEFENDER CAME TO SEE PETITIONER AT JAIL. AT THIS VISIT, PETITIONER PRESENTED ISSUES TO COUNSEL THAT WOULD PROVE THAT MY ARREST WAS ILLEGAL, AND DETENTION ORDER BY MAGISTRATE WAS ILLEGAL. I ALSO GAVE HIM (LOPEZ) (3) THREE TYPED MOTIONS AND REQUESTED THAT HE FILE THEM. THOSE BEING:

- (1) MOTION TO QUASH ARREST WARRANT
- (2). MOTION TO CHALLENGE DETENTION ORDER OF
MAGISTRATE JUDGE
- (3). MOTION FOR SUPPRESSION OF ALL PROPERTY
SEIZED WITHOUT A SEARCH WARRANT.

COUNSEL STIPULATED THAT HE'D "TAKE CARE OF IT".

ON JUNE 28, 2000, I WAS BROUGHT TO THE FT. LAUDERDALE MARSHAL'S OFFICE TO AWAIT A 10:30 AM IDENTITY HEARING. I WAS MANCUFFED AND ESCORTED BY THE TWO INDIVIDUALS WHO HAD ARRESTED ME, AND ON THE WAY TO THE COURTROOM THEY (MIKE G.) REMOVED A WHITE ENVELOPE FROM MY POCKET WITH THE WORDS "LEGAL MOTIONS" ON THE OUTSIDE OF ENVELOPE. I INFORMED THEM (MARSHAL'S) THAT IT WAS LEGAL MAIL, AND THAT WE (MY ATTY AND I) WERE PLANNING ON ATTACKING THEIR ARREST. I ALSO INFORMED THEM THAT I WAS AWARE OF THE FACT THAT THEY RETURNED TO MY RESIDENCE HOURS AFTER MY ARREST, AND SEARCHED MY RESIDENCE WITHOUT A SEARCH WARRANT!

ONCE DOWN TO THE HOLDING CELL AREA, MIKE G. REMOVED A 5) PAGE LETTER TO MY WIFE AND SAYS "OH, WHAT'S THIS, YOU CAN'T HAVE YOUR ATTY PASSING LETTERS FOR YOU". HE THEN CONTINUED TO READ THE LETTERS COMPLETELY AND DISCUSSED THE MATTER WITH HIS PARTNER JAMES MCCAN. JUST PRIOR TO GOING INTO THE COURTROOM HE HANDED ME BACK THE ENVELOPE AND STATED "YOU BETTER NOT SAY A WORD, I'LL BE SITTING RIGHT BEHIND YOU."

IMMEDIATELY UPON ENTERING THE COURTROOM, I INFORMED MY ATTY (LOPEZ), AND POINTED HIM OUT AS HE WALKED PAST ME. HE SAT BEHIND ME AND SMIRKING AND TAUNTING ME, AS I WOULD TRY TO LOOK AT MY WIFE!

DURING THE HEARING A U.S. P.O. (U.S. PROBATION OFFICER), JENNIFER SPAN TOOK THE STAND AND STATED THAT I WAS IN FACT THE PERSON WANTED IN SOUTH CAROLINA FOR A VIOLATION. BUT, YET SHE HAD NEVER SEEN ME NOR MET ME BEFORE. THEN, WITHOUT ANY OBJECTION BY A.F.D. LOPEZ, THE GOVERNMENT ENTERED INTO RECORD A PHOTO OF SOME INDIVIDUAL TAKEN DURING A BOOKING PROCESS. THE HONORABLE MAGISTRATE SNOW, EXPRESSED SOME DOUBTS ABOUT THAT INDIVIDUAL AND ME BEING THE SAME PERSON.

THEN THE GOVERNMENT WAS ALLOWED TO ENTER INTO RECORD THE

"ILLEGALLY SEIZED" DRIVER'S LICENSE THAT WAS TAKEN BY MISC G. FROM MY RESIDENCE ON JUNE 22, 2000.

THE COURT HAD NO CHOICE BUT TO FIND ME AND THE PERSON ON THE DRIVER'S LICENSE TO BE THE PERSON IN QUESTION. DEFENSE COUNSEL NEVER OBJECTED TO THE ENTRY OF THE DRIVER'S LICENSE, NEVER CONTESTED EVEN THE ENTRY OF THE FIRST PHOTO, AND NEVER ADDRESSED THE ISSUES OF MY ARREST WARRANT, DETENTION ORDER, OR SUPPRESSION MOTION, EVEN THOUGH I HAD JUST BROUGHT THE SAME WITH ME TO COURT AGAIN. COURT ORDERED ME TRANSFERRED BACK TO SOUTH CAROLINA. ONCE OUTSIDE THE COURT-ROOM, AND BECAUSE I CHOSE TO INFORM COUNSEL OF THEM READING MY LEGAL PAPERS, I WAS "PHYSICALLY ASSAULTED" TWICE (WHILE HANDCUFFED AND SHAKED). THAT MATTER I DON'T BELIEVE SHOULD BE ADDRESSED AT THIS TIME DUE TO MY PENDING \$2.5 MILLION LAWSUIT. I WILL STATE IN REFERENCE TO ASSAULT, THAT TWO INDIVIDUALS HAVE PROVIDED A SWORN STATEMENT AS TO COMMENTS MADE PRIOR TO ASSAULT THAT PROVE IT WAS "REMEDIATED".

DUE TO MY LACK OF KNOWLEDGE IN THE LAW, AND THE FACT THAT MY COUNSEL LOPEZ CLEARLY FAILED TO REPRESENT ME EFFECTIVELY AND ADEQUATELY, I HAVE SINCE FILED NUMEROUS MOTION(S) WITH NOT ONLY THE U.S. DISTRICT COURT IN FLORIDA, BUT THE A.U.S.A. DEBRA STUART, AND THE U.S. MARSHAL'S OFFICE, AS WELL AS AN "INEFFECTIVE ASSISTANCE OF COUNSEL" CLAIM AGAINST MR. LOPEZ.

I FILED A MOTION TO CHALLENGE / REVIEW LOWER COURT'S RULING IN MY CASE WITH THE HONORABLE CLERK OF COURT, CLARENCE MADDOX, I FILED A MOTION FOR THE RETURN OF "ILLEGALLY SEIZED" PROPERTY WITH THE U.S. DISTRICT COURT. I'VE ALSO NOTIFIED THE COURT'S OF THE HARASSMENT, AND THE STALKING OF MY WIFE BY THE U.S. MARSHAL'S IN AN ATTEMPT TO GET ME TO END MY CIVIL ACTION. I'VE FILED PAPERS IN SOUTH CAROLINA IN REFERENCE TO THEM INTENTIONALLY INTERFERING WITH MY MAIL, FAILURE TO GIVE ME MEDICAL TREATMENT FOR MY BROKEN NOSE, AND MY

DISLOCATED (RT) RIGHT SHOULDER, WHICH I RECEIVED AS A RESULT OF JAIL ASSAULT BY MARSHALS.

I'VE FILED PAPER'S PREVENING A COVER-UP TO PREVENT ME FROM GETTING MEDICAL TREATMENT, EVEN TO THE EXTENT OF MAKING RECORDS DISAPPEAR (BUT NOT BEFORE I COULD MANAGE TO GET A COPY). I'VE FILED MOTION(S) PREVENING MY ARREST WARRANT WAS ALTERED AND THAT THE HONORABLE G.ROSS ANDERSON COMMITTED PERJURY ON THE BENCH WHEN HE STATED "I SIGNED YOUR WARRANT". I PRESENTED HIM WITH BOTH COPY, OF THE ORIGINAL (WHICH THEY DIDN'T REALIZE I STILL HAD) AND THE ALTERED ONE. I PROVED THAT MY WARRANT WAS NEVER SIGNED BY A U.S. MAGISTRATE JUDGE AS IT CLAIMS, AND THAT THE PERSON WHO SIGNED THE WARRANT, ATTEMPTED TO FORGE THE SIGNATURE OF THE HONORABLE MAGISTRATE WILLIAM CATO JR. I ALSO HAVE PROOF THAT HON. MAGISTRATE CATO SIGNS ALL HIS OWN ARREST WARRANTS. I ALSO FILED A MOTION TO DISMISS MY VIOLATION CHARGES ON THE GROUNDS OF "PROSECUTORIAL MISCONDUCT" FOR CONSPIRING WITH OTHER JUDICIAL OFFICERS TO ALTER SAID WARRANT, AND ALLOW PERJURED TESTIMONY BY U.S. P.O. LEE NEWTON FROM GREENVILLE, SOUTH CAROLINA.

I BEG THIS HONORABLE COURT TO INVOKE IT'S JUDICIAL AUTHORITY AND TO INTERVENE IMMEDIATELY IN THIS MATTER. MY WIFE LIVES IN FEAR NOW BECAUSE OF THE HARASSMENT FROM THE GOVERNMENT MARSHAL'S SHE'S BEEN TERMINATED FROM (3) THREE DIFFERENT JOBS (INCLUDING ONE WORK FOR THE GOVERNMENT AT A MILITARY AIRPLANE PARTS COMPANY IN BOCA RATON, FLORIDA CALLED AGES). THEY CAN HARASS, AND INTIMIDATE ME ALL THEY WANT, AND I WON'T BACK DOWN! I PLEAD WITH THIS COURT FOR JUSTICE!

FOR US TO BE GIVEN THE SAME RIGHTS AND PROTECTION FROM THE UNLAWFUL AND INTENTIONAL HARASSMENT BY THE GOVERNMENT.

THE COURT'S HAVEN'T RULED ON MY MOTION(S), ESPECIALLY THE MOTION(S) IN FLORIDA CAUSE IF THEY RULED THAT MY DRIVER'S LICENSE IS A 'FRUIT OF

POISONOUS TREE)" THEN THEY WOULD BE FORCED TO SAY MY TRANSFER FROM SOUTH FLORIDA TO SOUTH CAROLINA WAS ILLEGAL. I HAVE WRITTEN TO THE U.S. JUSTICE DEPT., THE INSPECTOR GENERAL'S OFFICE, THE DISTRICT COURTS, AND ALSO THE MEDIA IN SOUTH FLORIDA. SADLY ENOUGH, IT APPEARS THAT THE MEDIA IS THE ONLY ONE'S INTERESTED IN PROTECTION OF MY RIGHTS AS A CITIZEN. I'VE GOT EVIDENCE OF SUCH CORRUPTION IN THE FEDERAL SYSTEM IN SOUTH CAROLINA, THAT I'D SCARY TO EVEN TRY TO COMPREHEND IF THEY WOULD DO SOMETHING TO TRY COVER-UP MY CASE, AND ALTER DOCUMENT(S) IN MY CASE, AND ALLOW "ILLEGALLY SEIZED" PROPERTY AND PERJURED TESTIMONY TO WIN A CONVICTION ON A "VIOLATION OF SUPERVISED RELEASE", WHERE THE ONLY VIOLATION(S) WERE MOVING WITHOUT NOTICE, AND FAILURE TO SUBMIT (2) MONTHLY REPORTS, WHAT EXTENT WILL THE GOV'T GO TO, TO GET A MORE SERIOUS OFFENSE!

I PRAY THAT THIS HONORABLE COURT REVIEW THESE MATTER'S FULLY, AND TAKE WHATEVER ACTION(S) NECESSARY TO PREVENT THIS FROM EVER HAPPENING AGAIN TO A CITIZEN OF A COUNTRY BASED & FOUNDED ON THE BILL OF RIGHTS! I END WITH THIS QUOTE

"THE [FEDERAL] PROSECUTOR HAS MORE CONTROL OVER LIFE, LIBERTY AND REPUTATION THAN ANY OTHER PERSON IN AMERICA".

FORMER ATTORNEY GENERAL AND SUPREME COURT

JUSTICE ROBERT H. JACKSON (1940)

POST-GAZETTE ISSUE (1998)

P.S. I WAS GIVEN A (1) YEAR SENTENCE,

THE MAX CASE I CHOSE TO STAND

UP FOR MY RIGHTS. I HAVE

DOCUMENTED PROOF IF THIS COURT

WISHES TO SEE IT. I'M DUE TO BE

TRANSFERRED TO MIAMI FLORIDA TO

DO MY REMAINING (3) MONTHS.

Sincerely yours,

Randy Anthony Everuel

RANDY ANTHONY EVERUEL

950 CALIFORNIA AVE

SPARTANBURG, S.C. 29303

October 3, 2000

Honorable Judge G. Ross Anderson, Jr.
Federal District Court
Anderson, South Carolina

RE: Case: CR-6: 96-96-1, USA vs. Randy A. Weaver

Dear Honorable Judge Anderson, Jr.

This letter is to once again intervene on behalf of Mr. Weaver. Due to financial situations I won't be able to attend his hearing and address this court. I am begging your court for leniency towards Mr. Weaver. Mr. Weaver is a great person, hard worker, friendly and caring. He was working very hard to achieve his dreams and goals. He is not a violent person, and everyone that knows Mr. Weaver personally can testify on this.

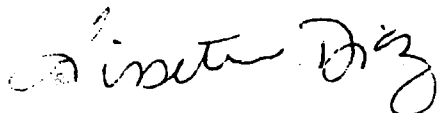
Your Honor, under the appropriate treatment and counseling Randy can strengthen the life he led in Florida. Being close to his friends, and fiancée (me), gives him peace, and desire to continue the fight to achieve his goals. Prison time, or supervisory release in South Carolina might set him back in the great progress he has achieved since living in Florida. His life, friends, and fiancée are in Florida. Please consider all option besides incarceration.

The situation with the US Marshall deputies is not how the deputies are making it seem. It's a very complicated situation since they violated his civil rights and now are trying to justify their unprofessional and unbecoming behavior towards Mr. Weaver. Please disregard any comments or reports they give without giving Mr. Weaver a chance to refute their allegations.

Enclosed find my first letter to this court. I am enclosing it in case it got misplaced the first couple of times I mailed it.

Once again I beg your court for leniency on behalf of Mr. Weaver. Thank you for your consideration. I appreciate your time.

Honestly and Sincerely,

A handwritten signature in cursive script, appearing to read "Lissette Diaz".

Lissette Diaz

Enclosed

Judge Anderson:

Honorable Judge Anderson, I humbly & respectfully address this letter to you to speak on behalf of Randy Weaver. He was convicted of threatening the life of the president. He will be in your court for a violation of Supervisory release.

Judge Anderson, I met Randy in October 1999, and we started to know each other and by late december we were a couple by february 2000, Randy proposed to me and I accepted. ~~Judge~~ Randy is a hard working man, he was employed by Green monkey, and Glocks Sportsbar full time on beach. He is a very compassionate and helpful person. Beginning of feb. I ~~was~~ lost my job and Randy made himself financially responsible of all my bills so I could look for a job, he even ~~took~~ ^{took} a loan so ~~my~~ ^{my} bills were paid. My aunt is a single mother and everytime we will be over visiting her he would start fixing things for her at no charge. He is a very generous man, who would lend a hand to whoever needs one. He is a person that made me believe in happily ever after, that he shared his vision of a family with me showing me that with love we can make it, he restored my faith in marriage, love and

I can honestly say that the time he had in Florida was fructicious since he accomplished so much in the year he was here, he made strong friendships, good relationship with his landlord and employers. He was never violent to me or anyone I know. Yes we had our disagreements and fights and told each other things but that is part of being a couple and ^{communication} ~~the~~ ~~reference~~. In reference ~~to~~ the threat he made against me, he knew he will never hurt me or my family. What concerned me was his past and I wanted to know about it. Honestly Judge Anderson, I threaten Randy first, so we are both guilty of the same sin. ~~the~~

He recognized that he needed counseling to help him express his feelings, I am glad to admit that since now we had heart issue and the sessions were expensive I convinced him to come for a car and to wait for his health benefits to start on July 1.

Honorable Judge Anderson I please request beg, Clemency with Randy. ^{!!}

The situation with the marshal happened as follow:

When the marshal interview me after Randy's arraignment, the marshal James Mehan said I wanted to see Randy in prison for life.

That made me very upset, that night they go and searched Randy's room and took all his papers, the only papers left were the dog papers. They took his computer disketts, briefcase, wallet, calendar, they wanted to take the computer but the landlord said no that it was her property. They went without a warrant to search and seized the property. Randy was paying rent, the same as the second gentleman present in the house, had a lock in the closet that only him + the landlord had keys, so third party consent is not acceptable. The marshalls then on the next court date, harassed him, trying to make him lose his cool. He was shackled, and they treated him like he was a murderer. Then they assaulted him, breaking and fracturing bones, then they are trying to justify the beating they gave him by saying that he "tried" to spit at the ^{second} head butt at one of them. Major factor here is that the assaults took place in the hallway outside Judge Snow courtroom, Randy was shackled and defenseless when they assaulted him. ~~and~~ They didn't allow me to see him the whole time he was in Florida. His F.P.D. did not want to see him either. Now the marshalls are trying to pass the injuries as old injuries. ~~Then~~ the marshalls ~~did~~ ^{did not} indict Randy of nothing, and the threats they

Mr. Newton stood in front of Judge Catoe and said when he said that Randy had an indictment in Florida, Randy has no pending charges.

My concern Judge is that these gentlemen are passing judgement and sentence to persons without authenticity and they viciously and with malice prosecute these person with half truths and facts. They are "developing" the case by unfairly and unhumanly add charges to Randy and send him to jail. These Marshall is mocking the justice system, thinking that his opinions is what counts.

Judge another concern and petition is that to please dismiss Lee Newton as Randy's PO and that another one can be assigned. I was appealed and said that Mr. Newton denied a visitation pass to go and see a mother before death, and that at the death of that person a couple of weeks later he will still denied a pass, knowingly of the defendant past with his mother and he denied him the opportunity to make peace and say goodbye. I believed that Probation Officers are a key to help convicts re enter society and continue a straight path out of trouble, obviously Mr. Catoe is too busy to do it, and too arrogant to force how it affects his client.

By experience I know how important that visit to make peace with a parent is because my dad went

to develop relationships with them. They didn't care until my grandfather was diagnosed with cancer he then made a point of make amends and he asked my dad for forgiveness for understanding. He died and part of my dad bitterness went away, the part that remained was the resentment against his mother for all the abuse he suffered at her hands during childhood. When he was able to forgive his mother my dad was able to let go of the past and overcome that. I am proud that Randy again all odds he was able to work hard and accomplish so many things in such a little time in Florida. He needs counseling and some anti-depressant ^{and} but he

Please judge sending Randy to do more time will continue the vicious cycle. ^{Prison time will not help} ~~and by the time he comes out~~ your honor, he is very decent and hard working man that made a decision under pain disappointment not because he didn't has an authority problem. I beg this court for clemency and to consider all the factors not only the ones they want you to see. Thank you for your consideration

Sincerely,

Lisette Ditz - Weaver

Dand Stone

GB 83-234

" ATTACHMENT SEVEN "

COPIES OF LETTER'S FROM APPELLATE COUNSEL.

(see footnote # 24)

PLAINTIFF'S ATTACHMENT SEVEN

**MARK
GRAHAM
HANSON**
ATTORNEY AT LAW

2530 S.W. THIRD AVENUE
SUITE 102
MIAMI, FL 33129-2034
TELEPHONE (305) 285-0816

February 1, 2003

Mr. Randy A. Weaver
Register No. 92903-071
Federal Correctional Institution
P.O. Box 779800
Miami, FL 33177-9800

Re: United States v. Randy Weaver
U.S. District Court Case No. 01-6069-Cr-Roettger
U.S. Court of Appeals Case No. 02-14987-F

Dear Mr. Weaver:

I have scheduled a visit with you for this coming Friday, February 7, and I look forward to meeting with you then.

I still have not received the transcripts of your trial and sentencing hearing, and the docket sheet still does not show that any of these transcripts have been filed yet. I have sent a letter to the court reporter to ask about these transcripts, but I have not received any response yet.

Sincerely,



Mark Graham Hanson

" ATTACHMENT EIGHT "

COPY OF TRANSCRIPT ORDER FORM FILED BY PLAINTIFF.

(see footnote # 25)

PLAINTIFF'S ATTACHMENT EIGHT

ELEVENTH CIRCUIT TRANSCRIPT INFORMATION FORM

PART I. TRANSCRIPT ORDER INFORMATION

Appellant to complete and file with the District Court Clerk within 10 days of the filing of the notice of appeal in all cases, including those in which there was no hearing or for which no transcript is ordered.

Short Case Style: UNITED STATES OF AMERICA vs RANDY A. WEAVER
 District Court No.: 01-6069-CR-ROETTER Date Notice of Appeal Filed: AUG 29, 2002 Court of Appeals No.: _____
 (If Available)

CHOOSE ONE: ☐ No hearing ☐ No transcript is required for appeal purposes ☒ All necessary transcript(s) on file
☒ TAM ORDERING A TRANSCRIPT OF THE FOLLOWING PROCEEDINGS:

Check appropriate box(es) and provide all information requested:

	HEARING DATE(S)	JUDGE/MAGISTRATE	COURT REPORTER NAME(S)
<input checked="" type="checkbox"/> Pre-Trial Proceedings	<u>MAY 4, 2001 / MAY 9, 2001</u>	<u>SNOW / SELTZER</u>	<u>UNKNOWN</u>
<input checked="" type="checkbox"/> Trial	<u>JUNE 10-13, 2002</u>	<u>NORMAN ROETTER</u>	<u>UNKNOWN</u>
<input checked="" type="checkbox"/> Sentence	<u>AUGUST 22, 2002</u>	<u>NORMAN ROETTER</u>	<u>- UNKNOWN</u>
<input checked="" type="checkbox"/> Other	<u>MAY 23, 2001</u>	<u>LUCANA SNOW</u>	<u>UNKNOWN</u>
	<u>SEPT 26, 2001</u>	<u>LUCANA SNOW</u>	<u>UNKNOWN</u>

METHOD OF PAYMENT:

- ☐ I CERTIFY THAT I HAVE CONTACTED THE COURT REPORTER(S) AND HAVE MADE SATISFACTORY ARRANGEMENTS WITH THE COURT REPORTER(S) FOR PAYING THE COST OF THE TRANSCRIPT.
- ☐ CRIMINAL JUSTICE ACT. Attached for submission to District Judge/Magistrate is my completed CJA Form 24 requesting authorization for government payment of transcript. [A transcript of the following proceedings will be provided ONLY IF SPECIFICALLY AUTHORIZED in Item 13 on CJA Form 24: Voir Dire; Opening and Closing Statements of Prosecution and Defense; Prosecution Rebuttal; Jury Instructions.]

Ordering Counsel/Party: RANDY ANTHONY WEAVER - DEFENDANT.
 Name of Firm: _____
 Street Address/P.O. Box: ID # 92903-071 F.D.C. MIAMI P.O. BOX 019120
 City/State/Zip Code: MIAMI, FLORIDA 33101-9120 Phone No.: _____

I certify that I have filed the original (Yellow page) with the District Court Clerk, sent the Pink and Green pages to the appropriate Court Reporter(s) if ordering a transcript, and sent a photocopy to the Court of Appeals Clerk and to all parties.

DATE: 9/10/02 SIGNED: Randy Anthony Weaver Attorney for: _____

PART II. COURT REPORTER ACKNOWLEDGMENT

Court Reporter to complete and file Pink page with the District Court Clerk within 10 days of receipt. The Court Reporter shall send a photocopy to the Court of Appeals Clerk and to all parties, and retain the Green page to provide notification when transcript filed.

Date Transcript Order received: _____
☐ Satisfactory arrangements for paying the cost of the transcript were completed on: _____
☐ Satisfactory arrangements for paying the cost of the transcript have not been made.
 No. of hearing days: _____ Estimated no. of transcript pages: _____ Estimated filing date: _____
 DATE: _____ SIGNED: _____ Phone No.: _____

NOTE: The transcript is due to be filed within 30 days of the date satisfactory arrangements for paying the cost of the transcript were completed unless the Court Reporter obtains an extension of time to file the transcript.

PART III. NOTIFICATION THAT TRANSCRIPT HAS BEEN FILED IN DISTRICT COURT

Court Reporter to complete and file Green page with the District Court Clerk on date of filing transcript in District Court. The Court Reporter shall send a photocopy of the completed Green page to the Court of Appeals Clerk on the same date.

This is to certify that the transcript has been completed and filed with the district court on (date): _____

Actual No. of Volumes and Hearing Dates: _____

Date: _____ Signature of Court Reporter: _____

" ATTACHMENT NINE "

**COPY OF PAGE THREE OF DEFENDANT'S MOTION OPPOSING SECOND
AMENDED COMPLAINT.**

(see footnote # 27)

pending resolution of the related criminal matter.⁴

5. On June 13, 2002 plaintiff was found guilty of assaulting, impeding, or interfering with Michael Gloetzner in connection with the June 28, 2000 incident at the USMS cellblock.

6. On July 3, 2002 Magistrate Judge Sorrentino issued a Report recommending that the stay be lifted and that the case be re-opened as to Meehan and Gloetzner regarding the June 28, 2000, USMS cellblock incident.⁵

7. On October 18, 2002, the Defendants Meehan and Gloetzner filed an Answer to the Amended Complaint.⁶

9. On October 23, 2002, the Court entered an Order scheduling pretrial proceedings which, in part, required that "[a]ll motions to join additional parties or amend the pleadings shall be filed by January 3, 2003."⁷

10. On December 20, 2002, the Defendants Meehan and Gloetzner filed a Motion for Summary Judgment (based in part upon the defense of qualified immunity) and a Motion for Stay of Discovery.⁸

⁴See Document # 21 (Preliminary Report) on file in these proceedings.

⁵See Document # 32 (Report) on file in these proceedings. United States District Court Judge Paul Huck issued an order adopting the Magistrate's recommendation on July 19, 2002. See Document # 38 (Order adopting Preliminary Report) on file in these proceedings.

⁶See Document # 53 (Answer) on file in these proceedings.

⁷See Document # 54 (Order scheduling pretrial proceedings) on file in these proceedings.

⁸In pertinent part, the Defendants argued the following:

Because qualified immunity is a defense not only from liability, but also from suit, it is "important for a court to ascertain the validity of a qualified immunity defense as early in the lawsuit as possible." *Lee v. Ferraro*, 284 F.3d 1188, 1194 (11th Cir. 2002), rehearing and rehearing en Banc denied by *Lee v. Ferraro*, 57 Fed.Appx. 503, __ F.3d __, 2002 WL 1049396 (11th Cir. 2002)(Citing *GJR Invs., Inc. v. County of Escambia*, 132 F.3f 1359, 1370 (11th Cir. 1998)).

When the qualified immunity defense is raised, the district court should stay discovery until the immunity defense is resolved. *United States v. Smith*, 958 F.2d 342, 346 (11th Cir. 1992).

Discovery imposes cost on the litigants from who the discovery is sought, as well as on